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ABSTRACT

The report presents recommendations of a commission for improving special education in New York City. The commission conducted interviews with over 300 persons, held 2 days of public hearings, and reviewed documents, publications, and laws and documents in New York and eight other states. Recommendations are offered for four major topic areas: (1) improving the assessment process and increasing regular education services (composition and supervision of school based support teams, services in regular education, representation of Black and Hispanic children in special education); (2) improving quality in the classroom (curriculum and programs, related services and individualized education programs, better training and teacher supervision); (3) placing students in the least restrictive environment (mainstreaming, decertification); and (4) integrating special and regular education (the need to integrate special and regular education at the local level for elementary and junior high school programs). A suggested outline for a new administrative structure is provided. The appendices provide the following: (1) lists of cooperating individuals and bibliographic sources (including published and unpublished materials, and legal or evaluative documents produced by New York City and several states); (2) numerous tables and a report on Committee on the Handicapped practices in New York City (Jay Gottlieb); and (3) "Proposed Statutory Amendment and Fiscal Analysis." (CL)

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Special Education:
A Call For Quality

Final Report to
Mayor Edward I. Koch
of the
Commission on Special Education
Richard I. Beattie, Chairman

New York City
April, 1985

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COMMISSION ON SPECIAL EDUCATION

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April 25, 1985

The Honorable
Edward I. Koch
Mayor
The City of New York
City Hall
New York, New York

Dear Mr. Mayor:

As Chairman of the Commission on Special Education, which you convened in April, 1984, it is my pleasure to transmit to you on behalf of the Commissioners our final report, "Special Education: A Call for Quality."

Our purpose has been to identify changes which will assist the New York City public schools in better educating children with handicaps, handicaps that absent specialized education would pose barriers to the fulfillment of these children's potential and to their ability to participate as members of our society.

Achieving the goals of special education is an awesome challenge, but we believe that the dedication of leadership in the City and the Board of Education, as well as the special education professionals who devote their careers to educating disabled children, can bring about the needed improvements which our Report has identified.

Your support of the Commission's work, together with that of your staff and the Board of Education, has been invaluable. I am pleased to inform you that all of the members of the Commission join me in making the recommendations contained in the Report that follows. Thank you for asking us to play a role in this important effort.

Sincerely,

Richard I Beattie

Richard I. Beattie

RIB:bsk

TABLE OF CONTENTS

Page

Summary i

Introduction 1

Chapter I: Targeting the Right Programs For the Right Children: Improving the Assessment Process and Increasing Regular Education Services

RECOMMENDATIONS 19

I. Introduction 20

II. The Referral, Assessment and Placement Process 23

III. Improvements in the Referral and Assessment Process 31

IV. Composition and Supervision of SBST's 36

V. Services in Regular Education---A Key to the Size of Special Education 42

VI. Representation of Black and Hispanic Children in Special Education 50

VII. Conclusion 58

Chapter II: Making Education Special: Quality in the Classroom

RECOMMENDATIONS 59

I. Introduction 61

II. The Content of Special Education: Curriculum and Programs 62

III. Related Services and Individualized Education Plans 74

IV. The Need For a Better Trained and Supervised Teaching Staff 77

Page

V. Toward Greater Cooperation Between Schools and Community Agencies 87

VI. Conclusion 89

Chapter III: Serving Children Without Isolating Them: Placing Students in the Least Restrictive Environment

RECOMMENDATIONS 90

I. Introduction 91

II. Placing Students in the Least Restrictive Environment 93

III. Mainstreaming in New York City 105

IV. Decertification 108

V. Conclusion 110

Chapter IV: Integrating Special and Regular Education: A More Rational Administrative Approach

RECOMMENDATIONS 111

I. Introduction 112

II. Two Separate Systems 112

III. The Need to Integrate Special and Regular Education at the Local Level for Elementary and Junior High School Programs 120

IV. Needed Improvements in the Current Administration of Special Education 128

V. Conclusion 134

Suggested Outline for New Administrative Structure 135

APPENDIX A - Acknowledgements, Interviews and Bibliography

APPENDIX B - Tables and Report of Assessment Study

APPENDIX C - Proposed Statutory Amendment and Fiscal Analysis

SUMMARY

SUMMARY

Special education in the New York City public school system is too often special in name only. In the struggle to manage a complicated system heavily regulated by statutes, regulations, court orders and consent decrees, those responsible for the City's special education programs devote insufficient time to achieving their underlying purpose---the appropriate education of children with handicapping conditions and special needs. This report is about those children and how best to meet their needs in the regular and special education system.

There are more than 116,300 students in the special education programs of New York City. Like other children, they vary in age, size, ability and ethnic background. But unlike other students, they have some handicapping condition which requires an adjustment in curriculum, adaptive teaching techniques or some other change from regular education---what we call special education.

The handicapping conditions of these children also vary enormously; some have speech defects, others have learning disabilities or are emotionally handicapped and still others have severe disabilities such as autism, cerebral palsy and multiple physical handicaps. Some are even bedridden and are visited at home or in a hospital by a teacher.

Twenty years ago, many of these children would have been ignored in our education system or gone without any education at all. But in more recent years, educators have learned a great deal about the learning difficulties and needs of the handicapped and our ability to provide an education for them; and in 1975, Congress passed the Education for All Handicapped Children Act (Public Law 94-142) "to assure that all children with handicaps have available to them . . . a free appropriate public education which emphasizes special education and related services designed to meet their unique needs."

Today, we have not only the responsibility, but, we believe, the ability to educate handicapped children---the ability to give them an opportunity to develop their individual powers of mind and spirit so that they can become full-fledged members of society, so that they can have self-respect.

Inherent in this responsibility is the well-founded and strongly held presumption in the importance of education. If education is important for the non-handicapped student, it certainly is just as important for the student whose happenstance of birth has made learning more difficult.

This is what we are about in special education, and it is with this presumption and this belief that we have approached our effort and fashioned our recommendations.

Our Commission began its work almost a year ago at the request of Mayor Koch, and our recommendations reflect an intensive effort to identify and analyze the significant issues facing special education in New York City. That effort included interviews with over 300 individuals, two days of public hearings, review of countless documents and publications, a research study of over 700 folders of children referred to special education and an analysis of the laws and regulations governing special education in New York and eight other states.

We have made numerous recommendations, but they are guided by certain basic premises. First, no handicapped child should be denied the opportunity for a special education, but only those children with handicapping conditions should be placed in special education. The most important question raised by the size of the special education population in New York City is not whether too many children are in special education, but whether the right children are there. Second, to be appropriate, special education must not only be related to the particular needs of the child, but it also must include the very basics of regular education --- quality teaching with curriculum, standards and expectations of achievement. In our struggle to build and administer special education programs, we must not lose sight of what we are about --- educating children. And those best able to affect education --- the teachers, principals and superintendants --- must have the responsiblity for doing so. Finally, children with or without handicapping conditions are more alike than not, and it is their similarities that should be emphasized, not their differences. All students, both those in regular education and those in special education, benefit from being together. The walls separating special education from regular education must come down.

Special education is expensive: while one in eight public school children are enrolled in special education, the special education budget accounts for almost one-fourth of the entire school budget. Notwithstanding the large expenditure on special education programs, too often the students in these programs fail to receive the quality of education they need and deserve. As a result, everyone is short-changed. We believe more effective use can be made of the public funds that support special education.

Before proceeding, a note of balance is required. Despite our sometimes harsh criticisms, we are extremely impressed not only with what the City and Board of Education attempt to do but with the awesome difficulty of accomplishing their goals. We demand a great deal from the public schools in New York City, and with the size and complexity of the student population scattered throughout a large geographical area, satisfying these demands is far from easy. In fact, we would be remiss if we did not point out that the Division of Special Education under its current leadership has done an admirable job in administering the City's special education programs and complying with the regulatory and court imposed mandates. We are also cognizant of the strains placed on special education professionals, and our study has made us painfully aware of the challenges facing the school system. Nevertheless, children whose handicapping condition makes learning difficult not only have been granted the right to obtain, but also deserve, a more appropriate and better education than they now receive. We are hopeful that our recommendations will assist those who bear the responsibility for providing this education.

Chapter I: Targeting the Right Programs for the Right Children: Improving the Assessment Process and Increasing Regular Education Services

A significant number of the more than 116,300 students in New York City's special education programs are placed and remain in special education not necessarily because they are handicapped but because they need services unavailable in regular education and because the special education assessment process fails to differentiate between children who have handicapping conditions and those who do not. At the same time, there may well be students who are eligible for but are not in special education.

If children are receiving educational and counseling services in special education, why be concerned with whether they should or should not technically be there? Because special education is too expensive to be used for other than its intended purpose. More importantly, it can be harmful for children who are, in fact, not handicapped. Once labeled "handicapped", virtually all students stay in special education the remainder of their school careers, often isolated from their peers and subject to lowered expectations of achievement, fewer educational opportunities and depressed self-images. The label of "special education" may itself be a handicap to further education or finding employment after leaving school.

Solutions to the problem of inappropriate placement of non-handicapped children should focus not on a singular concern with reducing the number of children in special education programs but rather on the causes of inappropriate placement by:

---improving the process by which children are found eligible or ineligible for special education; and

---increasing pre-school programs and remedial reading, counseling and other support services in regular education.

When children are suspected of having a handicapping condition, they are referred to a Committee on the Handicapped (COH) and a School Based Support Team (SBST), comprised of a special educator (called an educational evaluator), a psychologist and a social worker for assessment and, if appropriate, placement in a special education program.

The enormous amount of time and money spent on the evaluation and placement process is simply not commensurate with its usefulness. The bulk of the information apparently used to determine children's eligibility for special education, that is, the reasons for referral and scores on city-wide math and reading tests, is known before the evaluation process begins. An average of nine tests --- far too many --- are administered in the evaluation process, and the number and type of tests used appear to have no relationship to the reason a child is referred. Too little time is spent analyzing why and how children are performing academically or behaving in the classroom.

In order for the assessment process to be more useful, the Division should change the method for conducting initial assessments and establish standards which:

- ---reduce the number of tests given and set guidelines on the number and type of tests administered to students depending upon the reasons they are referred; and
- ---emphasize an analysis of classroom performance.

The assignment of an educational evaluator, who will be primarily responsible for conducting classroom oriented assessments, to each school should help focus the evaluation process on classroom performance.

There is no need for social workers to be permanent members of the School Based Support Teams. Social histories of children should still be obtained to determine whether external factors, such as family problems or recent immigration, are influencing classroom performance. However, as is the case everywhere else in New York State, guidance counselors and social workers who are part of the regular school system can perform this task. Psychologists should continue to be permanent members of the SBST's although there is no need, as there is in the case of the educational evaluator, to assign one to each school.

Do the children in special education really belong there? Unfortunately, there is little hard data on what is perhaps the most important question facing special education in New York City public schools. While there is substantial agreement that children with severe handicaps belong in special education, these students make up a decreasing percentage of the special education population. There is decidedly less consensus concerning the placement into special education programs of other students, particularly those now characterized as "learning disabled" and "emotionally handicapped" who comprise the majority of the special education population.

Despite the lack of data, the Commission believes that many of the children in programs for the "mildly" and "moderately" handicapped may not have handicapping conditions. However, it is also evident that many have significant educational deficits and counseling needs.

The fiscal crisis in New York City in the mid-1970's not only brought large class sizes but severely depleted the number of remediation teachers, guidance counselors and other support personnel in the City's public schools. The Board and the Chancellor should increase services in regular education, such as remedial reading, speech therapy and counseling, to meet the needs of these children without labeling them as "handicapped" and placing them in special education.

The Commission's study has led us to believe that both regular educators and SBST's generally perceive the source of a student's poor performance as the student's own deficits. The question as to whether a child is not succeeding due to inadequacies in classroom instruction is rarely asked, and acccordingly, only on rare occasions is an attempt made to modify instruction in the regular classroom to meet the individual needs of a student. To remedy this problem, the Commission recommends that the Board establish a Teacher Assistance Team, comprised of three experienced regular and special education teachers, in each elementary school to consult with teachers about a child's difficulties and to devise strategies within regular education, such as adjusting curriculum materials, peer tutoring and even at times changing teachers, to address these difficulties.

The vast majority of children who are referred to special education are in elementary school, and more than half of those referrals occur while children are in the first, second and third grades. Many are being referred because of poor reading performance, and many have been left back in a grade prior to referral. In light of the high percentage of students who are referred in the early grades, the Commission recommends that pre-school services be increased.

Chapter II: Making Education Special: Quality in the Classroom

An emphasis on the quality of special education is sorely needed. Even with improved services in regular education and consistent eligibility criteria, special education will continue to be the appropriate placement for most of the children now in special education. The quality and content of instruction for these children, particularly those in self-contained classrooms, that is those where the student spends more than half of the school day only with other special education students, demands improvement. Without such improvement, children placed in self-contained special education programs will have little hope of ever returning to regular education. In the 1983-84 school year, only approximately two percent of special education students re-entered regular education.

Establishing quality education requires several steps: defining educational principles and goals, designing curriculum to meet those goals, providing qualified teaching staff and designing and enforcing standards to judge the achievement of those goals.

The Board should develop curriculum and programs that focus on what children can achieve, not their deficits. Expectations for mildly and moderately handicapped students must be based on the premise that these children can function at or near the age and grade level of children in regular education and can obtain a diploma. Curriculum standards for these programs should be set to meet those expectations. For students with more serious cognitive, emotional and physical handicaps, special educators should foster self-management, social, language and communication skills. Independent functioning, such as travel training, and career and vocational skills should also be developed. For children in all programs, special education should provide knowledge and skills that are applicable to life after school.

The Board of Education mandates that curriculum for moderately handicapped children in self-contained special education classes include all basic subject areas presented in regular education to the extent appropriate to each student's needs. In practice, however, the content of special education instruction at the elementary and junior high school level varies dramatically from that in regular education. The Board should establish systemwide curriculum guidelines for each self-contained program in grades one through eight. This curriculum should be organized sequentially from grade to grade and parallel the regular education curriculum to the extent appropriate for each program.

Despite progress made in recent years by the Division of High Schools, special education programs for older students continue to present significant problems. The Division of High Schools must do a better job of placing students in programs which fit their aptitudes and interests, particularly in the vocational area. One of the most pressing needs is the development of both academic and vocational special education curriculum. Although it is far more expensive to educate students in special education, these students have far fewer program options than their peers in regular education. Programs rarely link students to job opportunities, and there are few job counselors to help special education students find employment after leaving school.

Special education programs for older students with more severe disabilities have not kept pace with new programs being developed elsewhere. With few exceptions, students in New York City's public schools are placed in programs based on the availability of a program and not according to individual skills and interests. The Board has done little to open up career options in the competitive job market for more disabled students.

The Division of Special Education and High Schools should improve and reorient career and vocational education programs to reflect the aptitudes and interests of students, expand work-study programs to more vocational settings, increase on-site job programs and provide more job counseling and job placement services.

Quality education is contingent on a qualified teaching staff. The critical shortage of qualified teachers in New York City combined with the enormous growth in the special education population since 1979 has, by and large, created the anomalous situation in which minimally qualified teachers educate students with the greatest difficulties. More than a quarter of the special education teachers currently in the school system and all newly hired teachers have not yet met State certification requirements and have not yet obtained a license from the Board of Examiners. The lack of qualified bilingual personnel is universally described as a crisis, and the pressing need for additional qualified educational evaluators, psychologists, and vocational teachers must be addressed. The Chancellor should expand and further improve hiring efforts, particularly those directed toward bilingual and minority teachers.

The dearth of teachers who come to a school with adequate training demands that the Board ensure that both university courses and in-service training are relevant to the needs of special education programs. Although a majority of New York City teachers and school psychologists receive their training from colleges and universities in the metropolitan area, there is little dialogue between university special education departments and the school system concerning school needs and how training can best meet them.

Chapter III: Serving Children Without Isolating Them: Placing Students in the Least Restrictive Environment

Children, with or without handicapping conditions, are more alike than different. It is their similarities that should be emphasized in the school system as well as the community they enter after leaving school. This premise underlies federal and State laws which require that children with handicapping conditions be educated with their non-handicapped peers, that is, the least restrictive environment, to the maximum extent appropriate. The purpose is sound; studies indicate positive academic and social results from the education of handicapped children with children in regular education.

The New York City school system fails in its obligation to educate children in the least restrictive environment. Approximately 70% of the children in special education are educated in separate classes, a percentage considerably higher than in other cities. Although the Board has made progress in recent years, children who are assessed as being in need of special education are more often than not placed in self-contained classes, and once in them, are rarely placed in regular education classes for any part of the school day (termed "mainstreaming").

The schism between special and regular education, manifested in curriculum which are not coordinated, separate teacher training and little communication or coordinated efforts between regular and special education teachers, seriously impedes mainstreaming and the transition of special education students to regular education.

New York State funding schemes also discourage placing students in the least restrictive enviroment. If a student is assessed as having a mild or moderate disability, sustaining him or her in a regular class with intervention and support from special educators is not recognized in New York State as "special education". Rather than maintaining disabled students in regular classes with additional services brought into the classroom (truly the least restrictive environment), students in New York City must be removed from their regular class for special education instruction. The State, on a pilot basis, should fund a program to retain mildly and moderately handicapped students in regular education classes with instructional and support services provided in that setting.

The isolation of special education classes in separate wings or annexes of schools, or in separate buildings altogether, reinforces the stigma already associated with the "handicap" label. This isolation is particularly acute in the case of more severely handicapped children. In other cities across the country special education students, including severely handicapped students, are educated in the same building as their non-handicapped peers. They should be in New York City as well.

The least restrictive instructional placement available to mildly handicapped students in New York City is the resource room, which is designed to provide instruction in specific learning skills to classes of no more than five children. Although children progress academically with resource room assistance, too frequently the classes appear to be tutorial sessions for slow learners, many of whom could achieve well in regular education if support services existed there. Less frequently, resource rooms are described as inappropriate placements for students who require more intensive education but whose parents refuse to allow placement in a self-contained class.

By comparison with a number of other cities in the country, New York has the smallest allowable class size of five students per class for resource rooms. Moreover, on the many site visits made by the Commission, resource rooms we observed usually contained less than five children. Resource room instruction helps many students but there is no scientific evidence to suggest that one class size is optimal, and a class size of five is too expensive. Accordingly, we recommend that the State increase the class size of resource rooms from five to seven students.

For students who require the majority of their education in a self-contained setting, it is the obligation of the Board to integrate or "mainstream" them into regular classes for academic as well as non-academic classes to the maximum extent appropriate. Yet, by all accounts, mainstreaming is currently conducted in an informal and ad hoc manner with few standards and no accountability. The Board of Education should take steps to encourage mainstreaming, including establishing realistic guidelines to determine a student's mainstreaming capabilities, implementing training programs for regular education teachers and reducing class size in regular education classes.

Chapter IV: Integrating Special and Regular Education: A More Rational Administrative Approach

No administrative structure can substitute for firm, inspired leadership and a strong system of accountability. The administrative structure that has evolved in New York City's public schools inhibits these ambitions. Throughout our report, we have addressed shortcomings of our special education programs. No one recommendation will more positively affect all of these areas than our recommendation, spelled out in this Chapter, to give more responsibility for the programs to principals and superintendents of elementary and junior high schools.

Community school boards in thirty-two separate school districts control education for children other than those in special education. In contrast, funding and educational services for mildly and moderately handicapped students in elementary and junior high schools, and all programs for students with severe handicaps, are administered centrally by the Division of Special Education, part of the central Board of Education.

As a result of this structure, special education is in a sense a tenant in the regular education system. The lack of a coordinated approach to the education of all children in elementary and junior high schools adversely affects all students and teachers. Examples of the effects of the separate regular and special education structure exist in all facets of school life; the curriculum in special education is rarely coordinated with that in regular education, and there is little communication or coordination between regular and special education teachers. Indeed, in many instances the latter are excluded from school faculty meetings. The separation, as mentioned earlier, inhibits mainstreaming and decertification of special education students. Special education teachers even have difficulty obtaining basic supplies. One of the more disturbing consequences of the separation between regular and special education is the increased tension and lack of understanding between the two groups.

While not all weaknesses in the special education system are attributable to the separate administration of regular and special education, the Commission is convinced that a change in the administrative structure will enhance the opportunity for many needed improvements.

As soon as possible, the Board, the Chancellor and the Division should develop a plan to restructure the administrative responsibilities of special education in elementary and junior high schools to provide greater control at the local level. The restructuring should be implemented as soon as possible for the mildly and moderately handicapped. Programs for students with severe disabilities should remain, at least for the foreseeable future, under central control.

We believe this recommendation, if adopted, will improve the assessment and placement process and the quality of education, and will increase mainstreaming and decertification. The central Division should continue to be responsible for setting assessment and eligibility standards, for ensuring that special education students receive the services that are their due and for establishing standards of achievement for special education students.

The Commission has considered the views of those who oppose increased control over special education at the local district and school level. However, we are strongly convinced that the system at present cannot successfully address the need for improving the quality of special education programs. Other school systems integrate the administration of special and regular education, and nothing the Commission heard or saw suggests that the New York City public school system is somehow uniquely ill-suited to a coordinated administrative approach. Those most able to affect a quality education are the teachers, principals and superintendents of schools. It is time to turn more responsibility for special education programs over to those who can make a difference.

One final note. Parents of children with handicaps justifiably complain that, despite the numerous forms and letters they receive, the system provides too little information as to how special education can best serve their children's needs. The Division devotes too few resources to training parents to help themselves. The need for such resources is particularly critical for parents of children with severe or multiple disabilities, for the needs of these students is so great. The Board should increase assistance to parents of special education students, particularly parents of children with severe handicaps.

INTRODUCTION

INTRODUCTION

Special education in the New York City public school system is too often special in name only. In the struggle to manage a complicated system heavily regulated by statutes, regulations, court orders and consent decrees, those responsible for the City's special education programs spend insufficient time on achieving their underlying purpose --- the actual education of children with handicapping conditions and special needs.

We begin with the belief that an appropriate public education for all children with handicapping conditions is a noble and necessary goal. Historically, children with handicaps were excluded from our schools and even hidden from society. Too often handicapped children languished at home or in private institutions, denied any opportunity to develop to their potential and, thus, to be a part of our society. While some special schools existed for the severely handicapped, such as the blind or the deaf, most public school systems otherwise ignored the handicapped. The Federal Education for All Handicapped Children Act redressed this shortcoming in a comprehensive manner, and we are all better off for it. Children with handicapping conditions deserve the same opportunity as others --- an opportunity to develop to their potential and to become full-fledged members of our society.

This report is about those children in special education programs in New York City's public schools and how best to meet their needs in the regular and special education systems. In the pages that follow, the number and complexity of the issues must not obscure that focus. We believe our recommendations will help those responsible clarify the purpose of special education and better provide for the needs of all children.

To a considerable extent, the current preoccupation by special education administrators with management and legal concerns is the legacy of a system that, until recently, had failed to establish basic and legally required procedures for dealing with children with handicapping conditions. In 1975, Congress passed the Education for All Handicapped Children Act (Public Law 94-142) "to assure that all children with handicaps have available to them... a free appropriate public education which emphasizes special education and related services designed to meet their unique needs." In response, federal regulations and state laws and regulations set requirements governing special education.1/

1/ An outline of the New York City special education requirements established pursuant to federal, State and court mandates appears on Table 1 in Appendix B.

The legal requirements concerning special education in New York City are more demanding than those in most other school systems. Federal and State requirements, cumbersome to begin with, are even more onerous as a result of federal court orders. The Jose P. v. Ambach lawsuit, brought in 1979, spawned federal court judgments, stipulations and implementation plans that now govern (in over 200 separate detailed provisions) virtually every facet of the New York City special education system and demand documentation of compliance with all requirements.[2] The federal court judgment in another lawsuit, Lora v. Board of Education (filed in 1975), mandated additional procedures to limit the potential for racial, linguistic and cultural bias in the assessment and placement of children in special education programs. The total number and complexity of statutory and judicial requirements is enough to stretch the best administration to its limit.

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[2] The Jose P. lawsuit was brought on behalf of children in need of special education or suspected of being in need of special education. The suit challenged the failure of the New York City Board of Education to assess children referred to the Board for possible placement in special education and to place those who require special education within timelines set by law. Two companion suits to Jose P., United Cerebral Palsy v. Board of Education, and Dyrcia S. v. Board of Education, raised issues regarding students with physical handicaps and limited English proficiency, respectively.

Many of the judicially imposed requirements, particularly those regarding documentation of compliance, are the result of a basic distrust of the Board's willingness and ability to attend to its responsibilities. Had the Board attempted to address in a meaningful way the requirements of the laws when they were first passed, New York City's special education programs would not be as consumed by timelines, procedures, numbers and documentation as they are today. While it is true that most local school systems were ill-equipped in 1975 to meet the demands of the new laws, especially when federal and state appropriations did not equal or approximate demands for services, four years after the passage of P.L. 94-142 (as the Education for All Handicapped Children Act is commonly called), the New York City Board of Education had failed in basic terms to establish a workable special education system. When the _Jose P._ lawsuit was filed in 1979, approximately 14,000 children languished in inappropriate classrooms or at home, awaiting long overdue evaluations and placements. The school system continued to drag its heels, and the City failed to allocate sufficient funds until 1982, when the federal court shocked the Board into action by holding it in contempt of court. The _Jose P._ legal labyrinth was firmly in place.

A number of people believe the demands that these legal requirements place on special education, especially the extremely detailed ones in the Jose P. stipulations and orders, are a major cause of the system's problems and should be significantly reduced in number and scope. We have considerable sympathy for this view, for there is no question but that education is best left to the educators and not regulatory bodies, lawyers and judges. But merely bemoaning the existing situation is not constructive. Only by reasserting their role and providing the appropriate education for all special education students, can the educators convince the regulators and lawyers to reduce the legal requirements.

Those now responsible for running and financing special education in the New York City public school system have made remarkable progress since 1982, particularly when measured against past performance. Just three years ago, a federal court found the Board of Education in contempt of court; New York City's financial arm, the Office of Management and Budget (OMB), continually questioned the validity of special education budget projections made by the Board; the State Education Department consistently faulted the Board for its failure to comply with regulatory mandates; and the Division changed leaders so quickly that the engraver barely had time to change the name on the office door.

Today, leadership at the Division of Special Education appears to be stable and energetic. Under the direction of the present Chief Administrator, the Division has ceased skirmishing with plaintiffs and the State and is meeting compliance concerns at an increasing pace. While there are still lists of students waiting to be evaluated and placed, the backlog is shorter. Annual reviews of the educational progress of children in special education are almost up-to-date, and of more than 40,000 triennial reviews of special education students overdue in the beginning of the 1983-84 school year, only approximately 6,000 remain.

However, while administrative progress has been made, too little attention has been given to quality and substance. The Board of Education must concentrate not only on how many children are placed in special classes, but on whether the right children are placed and whether they learn once they are there; not only on whether the placement of children in special education complies with legal timetables, but on whether professionals accurately assess and thereafter provide for children's needs.

Before proceeding, it may be helpful to explain briefly the nature of special education in New York City.

The central Board of Education is responsible for ensuring compliance with all legal mandates, whether imposed by statute, regulation or court order, regarding the education of all special education students. While the responsibility of the Board for regular education is decentralized to 32 community school boards, the special education programs are administered centrally by the Board's Division of Special Education (the "Division"). The Division administers all programs for children with "mild" or "moderate" handicapping conditions in elementary and junior high schools and programs for those with "severe" handicaps. The Division also solely administers the Committees on the Handicapped ("COH's") and School Based Support Teams ("SBST's") which are responsibile for all evaluations, placements and reevaluations of students. Finally, the Division of High Schools operates all special education programs for children in high schools except those for students with severe handicaps.

Any child suspected of having a handicapping condition, whether emotional, physical or cognitive, may be referred to special education by any one of a number of people, including a parent, teacher, other school personnel, a judicial officer or the student if he or she is more than 18 years old. Once referred, the Division is responsible for ensuring that a SBST and a COH complete an evaluation of the student within 30 school days and, if it is decided the student requires special education, place him or her in a program within 30 days after the evaluation is completed.

New York City's special education population, approximately 116,300 students, is not only the largest in the nation, but it is also larger than the total public school population of all but ten school systems in the country. To put it another way, the number of special education students taught in the geographical boundaries of any one of the City's 32 community school districts exceeds the total number of all students in the school system of Yonkers.

The students currently in special education have handicapping conditions and educational needs that vary enormously, from terminally ill youngsters receiving hospital instruction to students receiving counseling two times weekly and from multiply handicapped children located in separate schools to emotionally handicapped students taught in self-contained classrooms. Approximately 38,000[3/]

[3/] Table 2 in Appendix B charts the growth in special education registers from fiscal year 1974 through fiscal year 1985. Table 3 in Appendix B lists the population of special education programs in New York City's public schools according to the June, 1984 active registers. Unless stated otherwise, we obtained all figures used in

(Footnote continued)

or 32% of the children in special education programs (labeled "mildly handicapped") receive small group instruction in resource rooms, counseling or speech therapy in their home schools from two times weekly to twice daily. Approximately 56,000 or 49% of the children (termed "moderately handicapped") are taught in "self-contained" classrooms, which are separate classes set aside exclusively for special education students, and in some cases spend time with students in regular classes in the school (in special education terms, the "mainstream") for part of the school day. The remaining 22,000 or 19% of the students (the "severely handicapped") attend separate public or private schools or clusters of classes in schools housing regular education students.

While it is true that the current percentage of New York City public school children in special education, 12.5%, is strikingly close to the estimate of the United States Department of Education that 12% of the school age

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(Footnote continued)

this Report regarding New York City's school system from the Board of Education. It should be noted that while data collection by the Board has improved in the last two years, there is still room for improvement, not only in the accuracy and completeness of what is collected, but also in the identification and collection of other relevant data. Public policy cannot be developed and implemented in the absence of accurate and complete data.

population suffers from one or more handicapping conditions, this should not satisfy those in charge of New York City's special education programs. In a comparative sample compiled by the Commission, over half of twenty-two other cities were found to have special education populations comprising a smaller percentage of the total public school enrollment and seven major cities, including Houston, Los Angeles, and Denver, have less than 10% of public school students in special education.[4/]

In addition, while the comparative size of the New York City's special education population is similar to some other large cities, such as Philadelphia and St. Louis, the magnitude of the growth in the special education population in New York City is unique. The number of children labeled handicapped has more than doubled (from more than 54,000 to more than 116,300) in five years and has grown over the same time from 5.6 to 12.5 percent of the total public school enrollment. Among the other cities we used as a comparison, only Buffalo's growth approximates that in New York City.[5/]

However, the most important question raised by the size of the special education population is not whether too

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[4/] Table 4 in Appendix B compares special education enrollment in New York City with 22 other cities as of 1980 and 1985.

[5/] See Table 3 in Appendix B.

many children are in special education, but whether the right children are there.

Although there is substantial agreement that children with severe handicaps belong in special education, these students make up a decreasing percentage of the special education population. There is decidedly less consensus concerning the appropriate placement of other students, particularly those now characterized as learning disabled and emotionally handicapped.

The recent growth in special education has been principally in programs for those classified as learning disabled,[6/] as is the case in school systems throughout the country. In addition, the percentage of students who are assessed as emotionally disturbed or handicapped (over 15% of the special education population) is far greater in New York City, and New York State as a whole, than in other areas of the country.[7/]

[6/] As of June, 1984, 31,824, or 95% of children in resource rooms, were diagnosed as learning disabled, and 31,311 or 60% of the children in self-contained programs for the moderately handicapped were in classes for learning disabled students.

[7/] According to statistics compiled by the United States Department of Education for the 1982-83 school year, New York State had the highest percentage of children in this category (16.3% of the special education population). Texas, in contrast, had 6%; Louisiana, 4.9%; and California, 2.5%.

The frequency with which all but obviously disabled students are placed in special education depends on many factors, such as, for example, the criteria or lack of criteria for placement and the accuracy and type of diagnostic methods. The unprecedented growth of the City's special education population is also the result, in part, of a past failure to serve children with handicaps in special education. However, perhaps the most important factor at present is the lack of programs within regular education in New York City to help those students who may not be "handicapped" but are in need of additional assistance.

The Commission is convinced that at present thousands of children are labeled as mildly or, to a lesser degree, moderately handicapped not because they necessarily have handicapping conditions but because regular education programs have not adequately dealt with the educational needs of these children. We are not alone in the view that the size and cost of special education is inextricably tied to the regular public school system of which it is a part. New York City's fiscal crisis in the 1970's led to a severe reduction of many support services in the public schools, such as guidance counselors and remedial reading teachers, and a sharp increase in the number of children in each classroom. These changes have made it difficult to address the individual needs of children who are not succeeding. Concurrently with the fiscal crisis, P.L. 94-142 was passed, mandating an individualized and appropriate education for all children with handicapping conditions. As a result, special education programs have become the "only place in town" where children can obtain help.

Those responsible for the public school system must no longer be allowed to use special education to compensate for the failure to assist teachers in sustaining children in regular classrooms. The cost to all children is too great; the stigma attached to each child inappropriately labeled "handicapped" is too severe. Unless and until regular education provides needed supplemental services to teachers and children who are not now receiving them, special education will continue to function as an extremely expensive, and potentially harmful, safety valve for the school system.

The gap between regular and special education students must also be narrowed. The administration and operation of special education in New York City's public schools emphasizes the differences in children. That emphasis manifests itself continually in the separation of children in special education from those in regular education. Moreover, the expectations of achievement for children in regular education by and large do not apply to children in special education. But in fact, all children, even those with handicapping conditions, are more alike than they are different. Special education students should socialize and be taught with other children to the maximum extent appropriate, as required by federal and State law. The school system should expect that, with the intensive services given special education students, the vast majority will be able to achieve at levels approximating their peers in regular education.

One brief note on the financing of special education. Education for children with handicapping conditions is expensive and the federal government has never appropriated close to the amount of funds authorized under Public Law 94-142. Although the law projected federal funding for 40% of the cost of special education programs, according to the City, federal funds now account for only slightly more than 2% of New York City's special education budget.

Moreover, the current funding formulas in New York State do not allocate to New York City a fair share of the State's funds and do not provide any reimbursement for major aspects of special education such as evaluations performed by COH's and SBST's. Having noted that, because so many others both within the City and in private organizations have analyzed fiscal costs and formulas relating to special education, the Commission did not believe a reexamination would be particularly useful. The City has continually sought changes in New York State funding formulas so that they would more realistically and fairly reflect the cost of special education and should continue to do so.

The Board must also ensure that our tax dollars are being used effectively. While the special education population accounts for 12.5% of the total public school enrollment, the special education budget represents approximately 23% of the entire school budget. Notwithstanding the disproportionate expenditure on special education programs, too often the students in these programs fail to receive the quality of education they need and deserve. As a result, everyone is short-changed. We believe better use can be made of the public funds that support special education. The recommendations in this Report with rare exception do not suggest an increase in funding for special education but ways to use those funds more effectively to serve children better. The estimates of the cost implications of the recommendations in this Report and a summary of the City's, Board's and State's efforts to reform the New York State funding formulas are contained in Appendix C.

The Commission's Work

The work and recommendations of the Commission draw on the views and talents of many others to whom we are indebted. We began our assignment by identifying those systemic problems that experts and interested people, both inside and outside the Board of Education, characterized as most pressing. Because the analysis of every facet of a special education system as large and diverse as New York City's was not possible given our timeframe and available resources, we then established a number of priorities. To identify the causes and possible solutions to these concerns, we obtained the views of more than 300 people, read countless documents and analyzed considerable data.

Of invaluable assistance were the fifty-six people who testified at the Commission's public hearings on November 27 and 28, 1984, including some courageous teachers who did so against the wishes of their superiors. We also learned a great deal firsthand by visits to special education classes at the elementary, junior high and high school level throughout the City, where we observed resource rooms, day treatment centers, self-contained classrooms for the learning disabled, emotionally handicapped and developmentally disabled, a center for the multiply handicapped, an occupational training center and classes for autistic children.

We also enlisted, and are thankful for, the talents of three consultants who did a comparative analysis of eight states' statutes and regulations, conducted a detailed study of the referral and evaluation process through an analysis of over 700 individual students' folders and coordinated the public hearings and compiled the transcript.

We must make one final and important point. Despite our sometimes harsh criticisms, we are extremely impressed not only with what the City and the school system attempt to do but with the awesome difficulty of accomplishing their goals. We demand a great deal from the public schools in New York City, but with the size and complexity of the student population --- with its considerable mobility, language differences, recent immigrants and considerable poverty --- satisfying these demands is far from easy. We also found within the school system many dedicated administrators, principals and teachers who are striving to improve the education provided to children with special education needs. We met some students and parents who were pleased with what special education has provided for them; we also heard comments about the difficulty of getting the job done and the lack of rewards for doing so. We are cognizant of the strains placed upon special education professionals, and our study has made us painfully aware of the challenges facing the school system. Nevertheless, children whose handicapping condition makes learning difficult not only have been granted the right to obtain but also deserve a more appropriate and better education than they often now receive.

CHAPTER I: TARGETING THE RIGHT PROGRAMS FOR THE RIGHT CHILDREN: IMPROVING THE ASSESSMENT PROCESS AND INCREASING REGULAR EDUCATION SERVICES

RECOMMENDATIONS

I. THE DIVISION SHOULD CHANGE METHODS FOR CONDUCTING INITIAL ASSESSMENTS AND TRIENNIAL REEVALUATIONS OF CHILDREN AND ESTABLISH STANDARDS WHICH:

--- Set guidelines on the number and type of tests administered to children depending upon the reasons they are referred to special education.

--- Emphasize the analysis of curriculum and classroom performance.

--- Ensure decisions are free of racial or ethnic bias.

II. THE DIVISION SHOULD TAKE OTHER STEPS TO IMPROVE THE PRODUCTIVITY OF SBST'S AND THE QUALITY OF THEIR WORK BY:

--- Modifying the composition of School Based Support Teams by placing an educational evaluator in each school and removing the position of social worker as a mandatory member of the SBST.

--- Improving the supervision of SBST's.

III. THE BOARD AND THE CHANCELLOR SHOULD INCREASE SERVICES TO REGULAR EDUCATION STUDENTS BY:

--- Increasing pre-school programs.

--- Increasing remedial reading instruction and counseling services in the early grades.

--- Establishing Teacher Assistance Teams.

I. Introduction

More than 116,300 students are enrolled in special education programs in the City of New York's public schools. A significant number of these children may not necessarily be handicapped and should not be there. They are placed, and remain in, special education because they need educational, counseling or therapy services unavailable in regular education, and because the special education assessment process fails to differentiate between children who have handicapping conditions and those who do not. At the same time, however, there may well be students who are eligible for but are not in special education.

By all accounts, the Board of Education in 1980 was failing to serve large numbers of students with handicapping conditions, and the growth in special education since that year --- from approximately 54,000 to over 116,300 students in 1984 and from 5.6% to 12.5% of the public school enrollment --- undoubtedly reflects this.

The growth also stems from the fact that few alternatives to placing students in special education exist today. With over thirty children in a classroom, a regular education teacher has little time or opportunity to devote individualized attention to students who do not keep up with the work or who cause disturbances and too few places to turn for help except special education.

Having been referred, children are virtually assured of being labeled "handicapped".[1] And once in special education, the majority of these children are removed from the regular classroom and placed in separate classrooms.[2]

Too often the Commission was told by superintendents, principals and teachers that special education also has become a means for some to improve a school's academic image. The percentage of children in a school whose reading scores are at or above grade level, a percentage that is often touted as a measure of quality, is affected by placing students in special education. Resource room students have modified testing conditions that help to increase their scores and, therefore, help increase the school's academic profile. Moreover, the scores of children in self-contained classrooms are not included in computing the school's academic profile.

Concerned with the burgeoning student population in special education, City and school administrators in the

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1/ In 1983, 95% of children referred were found eligible for special education. In 1984, 85% were found eligible.

2/ Seventy percent of special education students are currently educated in self-contained classes, that is where they spend more than half the day with other special education students, although in the 1983-1984 school year, only 52% of children placed in special education for the first time were assigned to self-contained classrooms.

past two years have begun to place a priority on stemming the increase. Since 75% of all referrals come from teachers or principals, administrators have discouraged these school personnel from referring students. In addition, the Board and the City have funded two demonstration projects, in one case with the Department of Mental Health, to provide additional counseling services and another to offer services to regular education students who need them. (See footnote 27.)

Since these efforts have begun, the growth in special education has decreased, although it is not clear that the decrease is a result of these efforts. Referrals to special education declined by 11% in 1984, from 41,180 in 1983 to 36,593 in 1984. Evaluation teams were admonished to assess the appropriateness of all referrals carefully, and the percentage of referred children found to be eligible for special education decreased from 95% to 85% during the same time period.

The Commission shares the concern of leadership in the City and school system that special education be limited to truly disabled students who require intensive instruction and services. Special education is too expensive to be used for any other purpose. More importantly, special education can be harmful for children who are in fact not handicapped. Once labeled "handicapped", virtually all students stay in special education the remainder of their school careers, often isolated from their peers and subject to lowered expectations of achievement, fewer educational options and depressed self-images. The label of "special education" may itself be a handicap to continued education or finding employment after leaving school.

Yet, efforts to reduce the growth in special education must be aimed at the reduction of inappropriate referrals and placements and not to a singular concern with the number of children assigned to special education. The issue is not how many, but who are being referred, how they are being evaluated and whether children in special education programs are indeed different from their peers in regular classrooms.

II. The Referral, Assessment and Placement Process

Federal and State law provide that when students are judged as having one or more handicapping conditions, they may be placed in special education. In New York City such students must be referred in writing to one of 32 district Committees on the Handicapped ("COH's"), a multi-disciplinary team, comprised of professionals and a parent of a handicapped child, responsible for the evaluation and placement of students into special education. A referral to the COH can be made by teachers, other school personnel, parents, outside agencies and students themselves if over 18 years of age. In New York City, in order to manage the volume of evaluations, the judgment in the Jose P. (see page 3) case required the Board to establish School Based Support Teams ("SBST's"), each comprised of a social worker, an educational evaluator and a psychologist, to assist the COH's by assessing children in their home schools. To serve the approximately 1000 public schools, 670 social workers, 664 psychologists and 510 educational evaluators served on SBST's as of the beginning of the 1984-85 school year.[3] Except for SBST's assigned to schools with extremely large special education populations, members of the teams, including the education evaluator, must work in more than one school.

Within five days of receiving the referral, the COH must notify the student's parents in writing that a referral has been made. Within 30 school days, parental consent for an evaluation must be obtained and an assessment of the student completed. The evaluation (which consists of the preparation of a social history, a battery of psychological and educational tests, and if indicated, a vision and hearing test) attempts to assess the student's intellectual ability, emotional and social adjustment and perceptual, motor and language processes which influence learning.

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[3] As of the beginning of the 1984-85 school year the Division employed approximately 1890 SBST members. Some of these professionals are assigned to either the central office or specialty assessment teams for hearing and visually impaired students, leaving approximately 1844 available for assignment to COH's and SBST's.

The SBST analyzes the results of the assessment to determine if a child has a handicapping condition and should receive special education services. If the child is deemed eligible, the SBST then recommends an appropriate special education program. A recommendation for placement in a self-contained program, as compared to a resource room, must be reviewed and approved by the COH.4/ A COH placement officer then selects the specific classroom into which a student will be placed.

At present, special education students are grouped according to two methods. In most elementary and junior high schools, students' handicapping "labels" determine their program placement. For example, students diagnosed as having emotional handicaps are grouped in self-contained classrooms designated as a Class for Emotionally Handicapped or "CEH", and those with neurological impairments and

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4/ See Table 3 in Appendix B for a list of the major programs in which children are placed in self-contained classes.

emotional handicaps in Neurologically Impaired Emotionally Handicapped or "NIEH" classes.

Aware that students with the same handicapping labels may perform at a wide range of academic and social levels, the Division of Special Education is restructuring its programs in an effort to group students according to their academic and social levels rather than according to their diagnostic labels. This restructuring was implemented during the 1984-85 school year in elementary and junior high schools in Queens and part of Brooklyn, and has been in effect in the high schools for two years, and is a welcome improvement.

A child cannot be placed in a special education program until parental consent is obtained. When consent for placement is not forthcoming, the COH will either modify the placement to the mutual satisfaction of the parent and the evaluators, close the case and return the student to his or her regular classroom or request an impartial hearing to resolve the dispute.

The Commission was hampered in its study of the referral process and the quality of evaluation performed in the City by the lack of relevant data and research. It is difficult to make policy without appropriate data, and the Board should consider funding research with respect to the referral and evaluation process.

What data there is suggests that there are wide differences among school districts in the number, percentages and types of children referred to special education, and the differences do not appear to be explained by a district's size, average reading or math score, poverty level index or racial composition of the student population. Certainly, the views of superintendent, principals and teachers are important, and the Commission, not surprisingly, found many different views about special education among these professionals.

Data provided by the Division of Special Education demonstrates that 95% of all initial referrals are of elementary and junior high school students. A study of the referral process conducted for the Commission5/ confirmed the high percentage of referrals at young ages --- 95% of the children in the study had been referred while in grades one through six --- and also found that many, 59% of the children in the study, were referred while in grades one through three. These young children generally exhibited

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5/ In addition to conducting extensive interviews concerning the referral and assessment process, the Commission engaged Dr. Jay Gottlieb from New York University Graduate School to study a sample of children referred to special education from November, 1983 to November, 1984. The report of the study's findings is reproduced in Appendix B and is hereafter referred to as the Gottlieb study.

poor reading performance and many of them had been held back in a grade prior to referral.[6]

With respect to the COH/SBST assessment process, there appears to be an inordinate amount of time spent on tests and too little time spent assessing classroom behavior and performance. While there are wide differences among SBST's with respect to the number and type of tests given a child referred for assessment,[7] the children included in the Gotlieb study were given an average of nine tests or subtests.[8] And these appeared to be little correlation

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6/ Of the children in the study, 89% of children exhibited poor academic performance and approximately 45% were referred for inappropriate behavior in the classroom. The city-wide test scores of referred children were lower in reading than in math, suggesting perhaps that poor reading performance, rather than poor mathematical ability, triggers academically-based referrals. Over half of the children in the study had been held back in a grade.

7/ In those districts included in the Gottlieb study, the average number of educational tests administered differed by more than 50%, and there was even greater variability in the actual tests used by SBST's in different districts.

8/ Psychologists administer a set battery of three tests to all children: an intelligence test (the WISC-R), a perception test (the Bender test) and one of a variety of other tests. Educational evaluators administer an average of slightly under seven different educational tests. However, most of these are not complete tests but "subtests", despite the fact that professional literature emphasizes that the use of subtest scores, as opposed to scores on complete tests, is not a reliable method to determine eligiblity for special education. See, for example, Salvia & Ysseldyke, Assessment in Special and Remedial Education, 2nd ed., p. 174.

between the reason for referral and the type or number of tests given.

Even more disturbing is the Gottlieb's study's conclusion that while the principal component of the assessment process is the administration of tests, the information used to determine a student's eligibility for and placement in special education does not appear to be the results of those tests. The information that appears to be most important in the assessment process is data known before the process begins, that is, the reasons for referral and scores on city-wide reading and math tests.[9/]

The usefulness of the evaluations is simply not commensurate with the amount of time and money they cost. These same assessment methods are also used to reassess all children who are in special education every third year. The budget for COH's and SBST's was approximately $80

[9/] The Gottlieb study isolated four sources of information about the children and compared that information to the classification given these students to determine if those classifications could be "predicted" on the basis of the information. More than half of the children (51.5%) could be classified in the program into which they were actually placed by knowing three sets of data --- the reasons for referral and scores on city-wide reading and math tests --- all of which is listed on the teacher's referral form. The addition of the I.Q. scores (obtained during the assessment process) improved the successful classification prediction by only 3% to 54.5%, and significantly affected the success of "predictions" only for children in classes for the learning disabled.

million for the 1984-85 school year, and each evaluation or triennial reassessment costs approximately $824.

Unfortunately, there are no data available in New York City to answer what is perhaps the most important question --- do the children who are placed in special education really belong there? Researchers elsewhere have concluded that there is often little or no difference between children placed in classes for the learning disabled and "slow learners" who remain in the regular classroom.[10] Fifty-four percent of the special education population in the City's public schools are in classes for the learning disabled, but no one has conducted similar studies here. The Commission lacked the time and resources to do so.[11]

Despite the lack of scientific data, the Commission believes that there may be a significant number of children

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10/ See, for example, Ysseldyke, et. al., "Generalizations from Five Years of Research on Assessment and Decision Making", Institute for Research on Learning Disabilities, University of Minnesota, November, 1982, p. 6.

11/ While the test scores of children in the Gottlieb study who were placed in special education were quite different from the test scores of those referred but not placed in special education, there was no indication from the information obtained that the children placed in classes for the learning disabled, in fact, have such disabilities.

in special education programs for the mildly and moderately handicapped who while perhaps in need of additional educational and support services not available in regular education, are not truly handicapped. There is an overwhelming consensus on this point among special education advocates, school administrators and educators in New York City.

Solutions to the problem of inappropriately placing children in special education should address these two concerns. As we discuss in greater detail in the pages that follow, the Division should establish a systemwide assessment process which attempts as best as possible to differentiate between children who have handicapping conditions and those who do not, and the Board and the Chancellor should address the need to increase services in regular education.

III. Improvements in the Referral and Assessment Process

The assessment process used in the New York City public school system needs substantial overhaul to ensure that an evaluation is attuned to the particular reasons a child is referred to special education and that all children are evaluated according to the same methods.

While the lack of adequate assessment guidelines is a nationwide problem, particularly for students diagnosed as "learning disabled,"[12] in New York City, SBST's have virtually no assessment guidelines with respect to how to evaluate a child, how to analyze information obtained during the evaluation process and how to determine which children have handicapping conditions. A Test Resource Guide describes tests that can be used in assessments but gives no guidance as to what or how many tests are appropriate for specific types of children, and the SBST manual, now being finalized by the Division, principally explains how to fill out forms.

In addition, prior to the 1984-85 school year, there were no eligibility criteria for special education other than a list of handicapping conditions set forth in State regulations. In April, 1984, the Division published eligibility criteria for programs, but greater specificity is still needed in the case of programs for mildly and moderately handicapped children to ensure consistency in placement determinations throughout the City.[13]

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[12] Shepard, "The Role of Measurement in Educational Policy: Lessons from the Identification of Learning Disabilities", Educational Measurement: Issues and Practice (1983), pp. 4-8.

[13] The State Education Department was reluctant to allow greater specificity in the guidelines at the time they were drafted. The Division should study the profile of children in these programs as the new guidelines go into effect throughout the City and, if inconsistencies appear, as we suspect they will, reconsider the issue with State Education Department officials.

Without meaningful assessment and eligibility guidelines, the referral and assessment process will continue to be haphazard and confused. There is an urgent need for guidelines with respect to the number and use of tests. Far too many tests are administered for no apparent reason. The Commission is convinced that the number of tests can be substantially decreased without any negative impact on the quality of assessments.[14]

New York State law and regulations concerning assessments, unlike those of other states the Commission studied, can be read to require SBST's to administer a full battery of psychological and educational tests on all children. The statute and regulations should be changed, as suggested in Appendix C, to state that assessments be geared toward the particular reasons a child is referred, to deemphasize tests as the primary diagnostic method, and to

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14/ The Special Education Department of Houston, Texas, for example, which is cited by many educators as a model system, requires only two tests to be administered during the evaluation process, an intelligence test (WISC-R) and a psychoeducational test (the Woodcock-Johnson). An additional test for children suspected of being mentally retarded is administered, but no other tests are administered except in unusual circumstances.

emphasize analysis of classroom performance.[15]

Most importantly, an assessment of how and why a student is performing poorly in the classroom should focus on the classroom. Too little time is now spent observing behavior in the classroom and consulting with regular education teachers. Existing diagnostic tests are not sophisticated enough to be used as the primary method for distinguishing between children with learning disabilities and slow learners.[16] The Commission believes that the large number of children in New York City who are labeled emotionally handicapped and learning disabled is due in part to too little time being spent on observation of students in classroom settings or comparison of the student's behavior with others in the class.[17]

The Division has already begun to develop evaluation techniques which concentrate on classroom performance. In a special education lawsuit, Lora v. Board of Education, the Division was ordered to broaden the content of assessments beyond merely diagnostic tests. According to the terms of the court order, for example, if the stated reason for referral is behavioral, the assessment reports must contain descriptions of the behavior, its frequency and unless clearly unnecessary, the comparable behavior of other students in the classroom. Assessments must include at least one structured observation of the student in a classroom setting, and if no more than one is made, the reason for not conducting additional observations. Tests remain permissible assessment devices, but the decree mandates that they be administered with sensitivity to an individual student's linguistic, cultural and ethnic background. To comply with this mandate, the Division has begun to train a small group of SBST members in the techniques of structured classroom observation.

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[15] If the law and regulations do not need to be amended, the City should certainly obtain an interpretation permitting the use of fewer tests.

[16] James Tucker, "Issues and Considerations When Screening and Assessing Handicapped Pupils", Measurement and Evaluation in Guidance, 1982, 15(1), pp. 117-127.

[17] See Ysseldyke, Algozzine and Epps, "A Logical and Empirical Analysis of Current Practice in Classifying Students as Handicapped", Exceptional Children, 50(2), 1983, pp. 165-166.

Adding classroom observation to the assessment process is an important beginning, but more is needed. Evaluators must focus on the curriculum, work and performance of referred children and compare the performance of these children to others in their class. Diagnostic tests generally should be administered only after the curriculum analysis has been made and only to provide answers to questions raised during the analysis and the classroom observation.[18/]

One other change in the assessment process is needed. Approximately 3,000 children are placed in special education solely to receive speech therapy.[19/] They should not be subject to the same assessment, placement and decertification process as other children. Instead, State law should be amended to provide that children may become eligible for speech services after a speech therapist has assessed them and, similarly, may be decertified when the therapist concludes that speech services are no longer needed. In general, these children require speech services for only a limited period of time.

IV. Composition and Supervision of SBST's

The Commission believes that the quality of assessments will be improved, as well as the productivity of

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[18/] As classroom observation becomes an important part of the evaluation process, the Division should make every effort to avoid having referrals in May or June so that there is adequate time for classroom observation. In addition, unlike present practice, all test answer sheets should be kept in children's folders so that placement officers and teachers can benefit from the information and clinical supervisors can judge the accuracy of evaluators' analyses.

[19/] Interview with Dr. John Lent, Director of Speech Services.

assessment teams, with the changes in the composition, function and supervision of SBST's recommended below.

If our recommendation to make the assessment process more educationally oriented and less clinically based is adopted, the focal person on the SBST should be the educator on the team---the educational evaluator. To facilitate this change the Commission recommends that an educational evaluator, who will be primarily responsible for conducting the classroom and curriculum oriented assessments, be placed in every school. This will enable the educational evaluator to become more familiar with the students, teachers, curriculum and services in a school, and this knowledge should greatly assist the evaluator in assessing the source of problems of children referred for a special education assessment.

This recommendation will necessitate hiring additional educational evaluators, and the Board should hire those who have some classroom experience as a special educator. The Board should develop standards or qualifications for the position of educational evaluator and provide some training in conducting classroom oriented assessments.

The Commission believes that there is no need for a social worker to be a permanent member of every SBST. New York City is the only city in the State to require social workers to be on every evaluation team. Social histories of children referred to special education are important to determine if external factors account for the children's performance, but this information can be obtained, as it is elsewhere, by guidance counselors who usually see children prior to referral.[20/] Psychologists should continue to be permanent members of the SBST's, although there is no need, as there is in the case of the educational evaluator, to assign one to each school.

As a result of staff shortages, the Board has had to hire clinical rather than school psychologists to serve on SBST's. Training will enable these team members to evaluate children more appropriately and to recommend approaches to help with students' behavior problems, to observe children in their classroom and to conduct consultations with school personnel and parents.

The primary role of SBST's should remain the assessments and triennial reassessments of children, but SBST's can also play a greater role in determining placements for children they assess. With the restructuring

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[20/] If our recommendation is accepted, the educational evaluator should be assigned many of the tasks now assigned to the social worker by the SBST Manual. This change also requires the Jose P. judgment to be modified for it now stipulates that a social worker be on every SBST.

of classes according to students' functional abilities,[21/] it is important for the COH placement officers to confer with the evaluators familiar with a child's functional abilities and levels. As they develop this expanded role, SBST's will need to become more knowledgeable about programs in their community school district.

Better supervision of SBST's will also help improve the quality of assessments. At present COH's are responsible for all evaluations and triennial reassessments of children performed by SBST's. Forty-five clinical supervisors, who report to different COH chairpersons, are responsible for supervising approximately 1800 SBST members or one supervisor for every forty team members.

This ratio results in SBST's having little or no supervision. Although COH's are required to review every SBST assessment that results in a recommendation to place a student in a self-contained classroom, the opinion that such reviews are mere rubberstamping exercises is too widespread to ignore. Accordingly, the Commission recommends that COH's review only a reasonable sample of assessments and focus on the quality and appropriateness of evaluations. There are other ways to improve supervision, such as

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[21/] See p. 27 for a discussion of this restructuring.

increased the numbers of supervisors and the training they receive which the Division should consider.

The productivity of SBST's is an important concern. To the extent their work is monitored or supervised under the present structure, SBST's are now judged solely on the basis of how many assessments they complete. (Some educational evaluators cite this fact as the reason for administering subtests rather than full tests. Although subtests are less reliable, they consume less time than full tests and thus, assessments are completed more quickly.) A better approach to evaluating the productivity of SBST's would be to monitor the use of their time. Because team members work in more than one location and have no on-site supervisor, it is in too many cases impossible to determine whether they work a complete day.22/ Our recommendation set forth in Chapter IV to reassign authority for SBST's should help considerably in this respect.

The placement of an educational evaluator in every school, and the reduction of the number of SBST members from three to two should decrease scheduling problems and

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22/ In a sample audit of SBST work practices, the City Comptroller's office estimated that SBST members "lost 35,400 working hours during the 1982-83 school year due to arriving late and leaving work early" at a cost of $1.87 million in salary, fringe benefits and overtime costs.

increase both accountability and productivity. Designation of the educational evaluator as the team leader will also help. A recent Division study found that the most productive SBST's in the City's schools were those that had designated a team leader.

Some have suggested that the way to improve accountability is to remove SBST's from schools and conduct assessments at a central location. This suggestion is unwise because of the important need to reorient assessments to an examination of classroom performance. To do so, evaluators must spend more time in their schools, not less.

There is considerable debate concerning the appropriateness of the State and Jose P. judgment's mandate to complete evaluations within 30 days of referral and placements within 30 days after an evaluation is complete. This timeframe is shorter than in many other states and does not take into account delays caused by parental nonresponse. With the agreement of the lawyers in the Jose P. case, the Division is presently conducting a study of the referral, assessment and placement process to determine the cause and extent of delays. With one exception, any decision to modify the timelines should await analysis of that study. The exception is the Jose P. requirement that sets the deadline for placing pre-school children in public schools in the third week of August, notwithstanding that many, although not all, special education pre-schools forward information on children to COH's several months earlier. Placement determinations for these youngsters are thus made only weeks before school, leaving parents no opportunity to observe programs prior to consenting to placement. (If parents refuse to consent to a placement before school starts so that they may wait to see a program, their children stay at home for the first few weeks of school.) The Division should require COH's to offer a placement to a four year old within a reasonable period of time after receiving a referral, perhaps even a longer period than the present time permitted for older children. The Division should also designate a pre-school coordinator in each regional office, as the Bronx office has done, to coordinate with pre-schools, forward evaluation folders to COH's and monitor the appropriateness of program selections.

V. Services in Regular Education --- A Key to the Size of Special Education

As important as changes in the assessment process and composition of SBST's are, the Board and the Chancellor should also address the need to increase services in regular education.[23/]

[23/] School psychologists testified at the Commission's hearings that evaluators often face an ethical dilemma between labeling children as handicapped who they know are not, and returning them to regular education where they will not receive the help they need.

A significant number of children in the City's public schools have problems with reading and math[24/] or require counseling services. Although there are some remedial and counseling programs in the schools, these programs are not sufficient in number to serve all of the students who need these services.[25/] The fiscal crisis in New York City in the mid-1970's not only brought larger class sizes but severely depleted the number of remediation teachers, guidance counselors and other support personnel in the City's public schools. The City and the Board must take steps to increase the availability of these services in regular education for those children who require supplemental instruction or counseling; special education can then properly be reserved for children with handicapping conditions who need special classes and related services. The recent expansion of kindergartens to full-day sessions

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[24/] The spring 1984 Summary of Test Results published by the State Education Department indicates that in New York City, 43% of non-handicapped students in third grade scored below the statewide reference point in reading; 39% scored below this point in math. Of those non-handicapped students in sixth grade, 42% scored below the reference point in reading, and 43% scored below in math. These are the lowest scores in the State.

[25/] State Pupils with Special Education Needs ("PSEN") funds and federal Chapter I funds are appropriated for this purpose.

and the Board's attempt this year to reduce class size in first grade are important steps toward intensifying educational services in the early school years. But more is needed.

Reading teachers are needed to work with children who have reading deficits, to train teachers in remedial instructional skills and to reduce student-teacher ratios for at least part of the school day by providing direct support in regular education classes. The City, the Board and the UFT jointly have petitioned the State legislature to provide additional funding for increased services in grades one through three in response to these needs.

Large class sizes in regular education make it impossible for teachers to provide individualized and supplemental instruction to students. The average class size in the City's schools is 32; by comparison, the average class size in the rest of New York State is 23.[26/] The Commission's recommendation to hire remedial reading teachers will have the effect of reducing student teacher ratios in the early grades as well as providing specialized instruction to students and to teachers. The Board and the City are considering lowering class size in the second grade

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[26/] Testimony of Agnes Green, President of the United Parents' Association.

and significantly lowering class size in the first grade in those schools which report the lowest reading scores, as an alternative means of providing more individualized reading instruction. Either this approach or the hiring of reading teachers, we believe, will help at least some young students overcome reading deficits without the necessity of being placed in special education.

There is also a dire need for additional counseling services, especially in elementary schools. Regular education administrators consistently cite the absence of such guidance counselors as the reason many children are referred to special education.27/ Social workers who will be relieved of permanent responsibilities on SBST's can help provide counseling services that are needed.

Children should not have to be labeled "handicapped" in order to be able to receive counseling services, but the State only provides reimbursement for

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27/ Some superintendents and principals used a large percentage of the discretionary funds provided through the Division's "alternative" project in the 1984-85 school year to hire more guidance counselors. The Division's pilot project with the Department of Mental Health, which places mental health workers in the schools to provide counseling to children who might otherwise be referred to special education and to link these students and their families with community agencies, is too new to determine whether the project, if expanded, could meet some of the need for counseling services.

these services when children are placed in special education. This prerequisite for reimbursement encourages unnecessary referrals and should be changed so that there is funding for such services in regular education.[28]

The Commission also recommends that the Chancellor and superintendents establish teams of experienced teachers in schools to assist regular education teachers in analyzing why particular children are not succeeding in the classroom and to recommend remedial techniques. Too often both regular educators and SBST's perceive the student's poor achievement as the student's problem; they rarely question whether children are not succeeding due to inadequacies in classroom instruction.

While a student may see a guidance counselor prior to referral, the Commission could find very little evidence of attempts to modify instruction in the regular classroom to meet the individual needs of a student, such as adjusting curriculum materials, developing a program to change behavior patterns, peer tutoring or even at times changing teachers.[29]

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[28] The State Board of Regents has proposed such a change in its 1985 State Plan.

Educators have come increasingly to recognize the need to focus on the classroom and teachers---and not just students---as a possible source of poor school performance.[30] One means for assisting regular education teachers and students used with success elsewhere has been the establishment of Teacher Assistance Teams ("TAT's").[31] The TAT's are available in schools to assist teachers and others in assessing academic and/or behavioral problems and developing corrective measures to assist the student and teacher. The TAT can also help assess the success of the strategies and provide continued support to the teacher and the student. TAT's usually handle two cases per week and devote approximately one and a half hours per week to this

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29/ In the cases reviewed in the Gottlieb study teachers had changed curriculum materials in only 7% of the cases; the assistance of a paraprofessional was used for only 7% of the students; and only 4% had had their teachers changed. Other attempts, such as developing a program to modify behavior or peer tutoring, were tried even less frequently.

30/ Messick, "Placing Children in Special Education: Findings of the National Academy of Sciences Panel", *Educational Researcher*, 1984, p. 5; Yoshida, "Improving Methods for Appropriately Identifying Handicapped Children", (Grant proposal submitted to U.S. Department of Education), 1984, pp. 1-11.

31/ The name for such teams was first used by Dr. James C. Chalfont, Professor at the University of Arizona. Table 5 in Appendix B describes a sample of such teams in different locations.

effort. The specific composition of TAT's varies, but the core members are usually two to three experienced teachers chosen by the principal or the teachers in the school.

Researchers and school administrators in those school districts that have instituted TAT's believe they have two major benefits. First, because the primary focus is to help teachers resolve problems in the classroom before referring a child to special education, the number of special education referrals decrease. For example, in Maryland, where TAT's have been used extensively, the referral rate in those schools with TAT's is lower than in schools without them.[32/] Secondly, where TAT intervention is not successful and a student is subsequently referred for a special education assessment, the reason for the referral tends to be better understood, and the evaluator's task is consequently easier. Moreover, the likelihood of such a child truly needing special education is greater.

The success of similar teams elsewhere convinces us that they should be tried in our school system. Although special education professionals have the skills to assist teachers in meeting individual student's needs, Teacher Assistance Teams should be viewed as part of regular

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32/ Interview with Dr. Richard Mainzer, Maryland Special Education Department.

education, and the teams should be comprised of experienced regular and special education teachers and not SBST members, although SBST members, as well as principals, guidance counselors, nurses and other specialists, should be available to assist the teams when needed.33/ School administrators should encourage teachers to use the teams' services, but their use should not be a prerequisite to making a referral to special education.

Because most referrals to special education occur in the early grades, we recommend that implementation of the Teacher Assistance Teams begin in elementary schools on a pilot basis in three selected districts. Establishing such teams at the junior and senior high school level is more complicated, because teachers and subject matter are organized by departments, and should come later when the school system has more experience with the teams.

The high percentage of students who are referred in the early grades with serious learning problems indicates

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33/ In 1979 the functions of SBST's included consulting with regular education teachers and conducting "informal assessments" of children, but SBST's are now instructed by the Division to concentrate on completing formal assessments of children referred to special education. Nevertheless, to some extent, SBST's do provide consulting services in regular education and should be encouraged to continue to do so in conjunction with the Teacher Assistance Teams.

that many youngsters are entering kindergarten without the foundation needed to acquire reading skills. Studies have now confirmed that children are likely to make greater educational gains, and less likely to be placed in special education in the long run, if the learning process begins at an early age.[34/] The need for increased pre-school programs is greatest among the poor. A recent study of the 16-year progress of poverty-striken children in Ypsilanti, Michigan, entitled Changed Lives, reported that those who had the advantage of an early and high quality education made remarkable academic progress, were less likely to be labeled "mentally retarded" and had significantly fewer brushes with the law. Mayor Koch's recent proposal to lower the starting age for public schools to four years old is one important response.

VI. Representation of Black and Hispanic Children in Special Education

A longstanding issue related to the size of the special education population in New York City is the disproportionate representation of black and Hispanic

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[34/] Cryan, I.R. and Surbec, E., Early Childhood Education: Foundation for Lifelong Learning, 1979; Karnes, M.B. and Teska, J.A., "Children's Response to Intervention Programs" in J.J. Gallagher (ed.), The Application of Child Development in Exceptional Children, Council for Exceptional Children, 1975.

children in special education. We sought to determine the extent of such representation, whether the relative percentage of black and Hispanics in special education has changed, the possible causes of any disproportionate representation and whether the Division has taken steps to remove any possible racial and ethnic bias in referrals, assessments and placements.

The most recent Board of Education study of the racial composition of special education (based on data from 1977 through 1980) found that although the ethnic composition of referrals to special education by and large reflected the composition of the public school population, blacks were overly represented in special education classes for emotionally handicapped and, albeit to a lesser extent, in classes for the moderately mentally retarded. Although some non-minority children were assessed as emotionally handicapped or mentally retarded, a vastly disproportionate number of them attended classes in private schools at public expense.35/

Statistics on the racial composition of programs as of October, 1983 (the most recent data available)

35/ A comparison of public and private school enrollment for these programs appears in Table 6 in Appendix B.

indicate that blacks are still disproportionately represented in programs for the emotionally handicapped. Specifically, although black children constitute 37% of the total public school population, they accounted for 53% to 56% of the students in programs for the emotionally handicapped in elementary and junior high schools. In programs for the more severely emotionally handicapped population, day schools and day treatment centers, blacks accounted for 65% and 51% of the population, respectively.[36]

A lawsuit filed in 1975, Lora vs. Board of Education of the City of New York, successfully alleged that black and Hispanic youngsters were discriminatorily and disproportionately placed in day schools and day treatment centers for emotionally handicapped students. Issues in the case also included the failure to assess and educate these students appropriately and to afford children and their parents adequate procedural safeguards. The federal court found that the rights of such children and their parents were being violated and issued an order which obligates the Board to keep adequate referral and placement records by race, to conduct assessments which are timely and free of racial bias and to institute procedures which afford parents and their children meaningful notice and opportunity to challenge assessment and placement decisions.

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[36] A comparison of the ethnic composition of special education programs to the ethnic composition of the general school population is contained in Table 7 of Appendix B.

Since the Lora lawsuit was filed, some progress has been made, at least in the representation of black students in programs for the severely emotionally handicapped. In 1977, 70% of the students in day schools were black; by 1983, the percentage of blacks in day treatment centers and day schools had declined to 54%.37/ However, in 1983 the percentage of blacks in all programs for the emotionally handicapped was still between 14% and 28% higher than their proportionate representation in the entire public school population.

Black students are also disproportionately represented in classes for the learning disabled and for the educable mentally retarded, but only in some districts. 38/

In contrast to black students, Hispanic children are disproportionately represented to a significant degree

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37/ See Tables 8 and 9 in Appendix B.

38/ Table 10 in Appendix B gives district comparisons of special education programs by race.

in only one program, the School for Language and Hearing Impaired Children (SLHIC), where their presence exceeds their representation in the total public school population by 31%.[39] Although the extent of Hispanic representation in this program is troubling, the absolute number of children in the SLHIC program is far less than the number of students in programs for the emotionally handicapped. In 1983, the total SLHIC register was 1,427, while emotionally handicapped classes for elementary and junior high school students alone totaled 11,487.

Some disproportionate representation of black children in special education may perhaps be attributed, albeit cautiously, not to bias in the referral and assessment process, but to socioeconomic factors. National studies have shown the presence of handicapping conditions in populations to be correlated to some extent with poverty and lack of access to pre-natal and other medical care. The lack of quality pre-school programs for youngsters from poor homes also places such children at an academic disadvantage from their earliest entry into public schools. The results of our assessment study do indicate that black children in special education are in need of supplemental academic assistance; the reading and math scores of the black

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39/ See Table 11 in Appendix B.

children included in the study were half a grade below that of white children.

Poverty and academic performance cannot totally explain, however, the disproportionate representation of blacks in some programs. 1980 statistics demonstrate that more Hispanic children than black children are below the poverty line.[40] Moreover, blacks are most disproportionately present in programs for the emotionally handicapped, where according to our assessment study, children perform better academically than children in classes for the learning disabled. The assessment study also indicated that black children are more likely than others to be referred for behavioral problems. Half of the black children referred to special education, 46% of Hispanic children and one-third of non-minority children were referred for inappropriate behavior. However, twice as many blacks (36%) were placed in classes for the emotionally handicapped than Hispanic children (17%), and only 12% of

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[40] 1980 Census figures show the following:

	Total # in NYC	# in Poverty	% in Poverty
Black:			
Age 5 - 17	423,263	159,983	37.8
Less than 5	147,108	65,308	44.4
Hispanic:			
Age 5 - 17	352,770	169,832	48.1
Less than 5	141,601	69,975	49.4

non-minority children were placed in these classes. These findings are especially troubling, because most of these children were in the first through third grades when these decisions were made.

According to experts with whom we spoke, heavy reliance on tests is a primary cause of the disproportionate representation of minorities in special education nationwide. Reorienting the assessment process away from tests and toward a classroom oriented approach that compares children with their peers should help eliminate inaccurate or biased decisions.

But additional steps are needed. The current mandate to consider whether cultural characteristics account for behavior is meaningless without training regular education teachers and SBST members to help them understand these cultural factors. A recruitment campaign to increase the number of black and Hispanic evaluators is also necessary.

Finally, the Division should improve its monitoring efforts and data collection. For example, the Board's own evaluation in 1980 found that non-minority children labeled as having emotional handicaps were disproportionately placed in private schools at public expense while black children remained in public school programs. Despite this knowledge, the Division has conducted no study since then of placements in private schools and was unable even to provide race data with respect to children in private schools when we requested the information.

Turning to the issue of Hispanic representation in SLHIC classes, the Division is in the process of reevaluating these children to group them by functional ability. Unfortunately, our study indicates that the test currently being used to determine whether language difficulties are due to limited English proficiency or a handicapping condition is not effective. A more accurate test to distinguish those children with limited English proficiency from those children with handicapping conditions should be developed, and all tests and test score measures used by the Division should be developed for use with a population that includes Hispanic and black children. The number of bilingual evaluators should be increased, and all clinicians need to be better versed in assessing children from bilingual backgrounds.

Although there are well intentioned teachers and administrators in New York City's public schools, the system as a whole has insufficient measures to safeguard against discriminatory referrals and placements in special education. The Division should strive harder to ensure that even unintentionally biased practices are not affecting children because of their race or ethnic background.

VII. Conclusion

All children should receive the services they need, but children should not have to be labeled "handicapped" in order to obtain them. Widespread improvements are needed in the special education referral, assessment and placement process, and regular education should be responsible for providing remedial programs and other services for non-handicapped students not succeeding in school. With the improvements we have recommended, the school system will be able to better address the needs of children in an equitable manner that is both educationally and fiscally sound.

CHAPTER II: MAKING EDUCATION SPECIAL: QUALITY IN THE CLASSROOM

RECOMMENDATIONS

I. CURRICULUM AND PROGRAM DEVELOPMENT

--- The Division of Special Education should develop curriculum guidelines for moderately handicapped students in self-contained classes in elementary and junior high school.

  --- A panel of special educators should be convened to study educational levels and abilities of special education students by program.

  --- Based upon an understanding of the educational levels and needs, the Division should establish systemwide curriculum guidelines that are organized sequentially from grade to grade and parallel the regular curriculum to the maximum extent appropriate for each program.

--- The Division of Special Education should develop standards of achievement by which to measure the progress of students.

  --- These standards should refer to reading levels, achievement of IEP goals, attainment of diplomas and/or other quantifiable measures.

--- The Divisions of Special Education and High Schools should improve career and vocational education programs.

  --- The scope of work-study programs should be expanded.

  --- Outside agencies should be used to establish transitional school-to-worksite programs.

  --- Job counseling and job placement services should be increased.

II. TEACHER TRAINING

--- Training and supervision of teachers and other professional staff should be improved.

--- The Divisions of Special Education and High Schools should work closely with special education departments in colleges and universities in the metropolitan area to develop training programs relevant to the needs of both special and regular education staff in the public schools.

  --- Special educators in New York City's public schools should work with colleges and universities to develop "packages" of appropriate courses for teachers, particularly for newly hired ones.

III. COMMUNITY AGENCIES

--- The Board of Education should establish mechanisms to link special education in the public schools with community and government agencies that serve disabled students.

I. Introduction

Witness after witness at our public hearings urged the Commission to focus on the quality of education in the classroom. Parent after parent asked the haunting question, "What will happen to my child when he or she leaves the school system?" What we seem to have lost is a sense of purpose, a sense of what we are trying to accomplish in special education. We have concentrated so heavily on compliance requirements, and we have placed so much of the responsibility for the programs with administrators rather than educators, that we have lost sight of what should be our principal goal---education.

An emphasis on the quality of education in special education programs is sorely needed. Even with improved services in regular education, consistent eligibility criteria and an improved referral and assessment process, special education will continue to be the appropriate placement for many children. The quality and content of instruction for these children, particularly those in self-contained classrooms, demands improvement.

Establishing quality special education classes is not an abstract proposition, but the sum of several concrete tasks: setting clear educational principles and goals, designing a curriculum to meet these goals, providing a qualified teaching staff and designing standards to judge the achievement of these goals.

II. The Content of Special Education: Curricula and Programs

The New York State Education Department has issued new regulations, effective September 1985, which require that each student with a handicapping condition have access to "the full range of programs and services" available to all other children "to the extent that such programs and services are appropriate to such student's special educational needs."[1] In accordance with State policy, the Board of Education mandates that curriculum for children in self-contained special education classes include all basic subject areas presented in regular education to the extent appropriate to each student's needs.

In practice, however, in elementary and junior high school programs for mildly and moderately handicapped students, there is often little connection or similarity between what is taught in regular and special education classrooms. According to parents, advocates and teachers with whom the Commission spoke, some subjects, for example, science and social studies, are often omitted from instruction in the special education classroom.

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[1] Part 100.2(s)(1) of the Regulations of the New York State Education Department. New York State and City are not alone in their decision to require that all subject areas covered in regular education be taught in special education. For example, after three years of study, the New Jersey Special Education Study Commission reached the same conclusion in its 1984 report.

The Board should develop curriculum and programs that focus on what children can achieve, not their deficits. Expectations for mildly and moderately handicapped students must be based on the premise that these children can function at or near the age and grade level of children in regular education and can obtain a diploma. Curriculum standards for these programs should be set to meet those expectations and should be organized sequentially from grade to grade and parallel the regular education to the extent appropriate for each program. For students with more serious cognitive, emotional and physical handicaps, special educators should foster self-management, social, language and communication skills. Independent functioning, such as travel training, and career and vocational skills should also be developed. For children in all programs, special education should provide knowledge and skills that are applicable to life after school.

Although there is a need to concentrate on basic reading and math skills for special education students, especially those whose abilities or achievement levels are below grade level, this should not preclude exposing children to other subject areas. For example, the level of difficulty and method of teaching subjects like history or biology may need to be adapted from that in regular education classrooms, but even children with poor reading skills can and should be taught these topics.

In addition, the failure to include subject areas in special education programs where appropriate makes it difficult if not impossible, for students once in special education to be educated in regular classrooms, either for certain subjects or to return to regular classrooms completely. Moreover, the failure to include particular subject areas may leave untapped the abilities of some students with specialized skills.

To assist the Board in developing the curriculum in the manner we have suggested, we recommend that the Board convene a panel of special educators to determine educational levels and abilities of special education students in elementary and junior high school programs. In addition, these educators shoud make recommendations regarding the role of the Office of Research and Analyses recommended in Chapter IV.

As we described earlier, the Division of High Schools administers classes for students in programs for mildly and moderately handicapped students of high school age, and the Division of Special Education operates separate schools for the more severely handicapped students of all ages.

Historically, regular education high schools offered very little opportunity for special education students to graduate with diplomas or job skills. These students were barred from better high schools by biased screening procedures, lack of adequate preparation in earlier grades and the absence of courses and programs adapted to their individual needs.

Access to all high schools has recently improved, because the High School Division ordered each school to set aside 6% of its places for special education in the 1984-85 school year.[2/] And while there are no data available from which to determine what percentage of special education students entering high school graduate with diplomas, the number of special education students who have attained high school diplomas has increased since 1982.[3/] (There is also no accurate data on the number of special education

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[2/] Of the 20,000 special education students who attend high schools for other than the severely disabled, 7,000 attend resource rooms, and the remainder spend the majority of their day in self-contained classrooms. The vast majority of the total attend academic/comprehensive schools (many of which have vocational or business courses), and others attend vocational high schools or "alternative" high schools.

[3/] Of the 1400 and 1046 special education students who completed four years of high school in 1984 and 1983, respectively 620 and 413 students received diplomas.

students entering high school by grade or the number who drop out before completing four years of high school.)

Despite these achievements, many of the prerequisites to the success of special education students in high school are still lacking:

--- There is very little coordination between coursework in junior and senior high schools;

--- Students' aptitudes and interests are seldom identified;

--- Program options for students in academic or vocational self-contained classes are limited; and

--- Few programs link students to job opportunities, and too few counselors help students find employment after leaving school.

The vast majority of students in programs for the mildly or moderately handicapped should be able to obtain diplomas. When the Division of High Schools assumed the administration of special education programs in 1982-1983, very few special education students were deemed capable of obtaining a diploma. To its credit, the High School Division now anticipates that all students can receive diplomas, except those with serious cognitive delays. However, this year the State has created a new certificate for special education students who do not receive a diploma. There is a concern among school administrators and parents that if the criteria as to when to issue this new certificate are not developed with the utmost care, it will become a device to deny students the possibility of receiving a diploma.

Placing a student in a diploma-bound course of study is only the starting point. High School special education personnel should be available to help assess junior high school students' aptitudes and interests, in order to develop a four-to-six year course of study.[4] High school and junior high programs are separately administered, and, therefore, special educators at the junior high level lack sufficient knowledge about the availability and content of high school education programs to counsel students adequately.[5]

The Division of High Schools must also do a better job of placing students in programs which fit their aptitudes and interests, particularly in the vocational area. Although New York State regulations require vocational assessments of special education students "where appropriate," such assessments have not been given.[6] In the upcoming 1985-86 school year, the Division of High Schools intends to administer a one-hour test to all special education students entering high school to determine their vocational interests and also plans to conduct a full day assessment of the vocational aptitude of lower functioning special education students and those who have applied to a vocational high school. The Board of Education needs to expand these efforts and should consider whether in future years vocational aptitude tests should be given to a wider range of special education students than those who will take the tests next year.

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[4] Federal and State law guarantee students in special education the right to attend public school until 21 years of age.

[5] A brief explanation of the high school application process in the public schools is perhaps necessary at this juncture. Going from junior to senior high school in New York City's public schools is similar to applying to college anywhere else. All students who wish to attend specialized high schools or special programs in high schools must fill out an application and sometimes take a special test. The applications are processed by Educational Testing Service in Princeton, New Jersey. Prior to the 1984-5 school year, special education students were excluded from this procedure.

[6] Vocational assessments are required by § 200.4(f) of the New York State regulations.

The full range of courses offered to regular education students is not available to special education students in any high school. Disabled students are often accepted into high schools only to learn on opening day that the program they selected is not available to special education pupils. Indeed, the high schools do not have a four or six year sequence of academic curriculum for self-contained special education classes, and the High School Division has only recently developed a ninth grade curriculum for the 1984-85 year.

Curriculum for vocational courses, which are taught in both academic and vocational high schools, is just beginning to be developed, and the High School Division should expand the number and range of the courses offered as quickly as possible. Given that only a minority of special education students leave school with the job market credential of a diploma, the availability of a range of vocational courses relevant to the New York City job market is essential to preparing these students for work and independence. There are almost no four year course sequences in vocational subjects. Many of the courses that are available for self-contained classes do not parallel subjects taught to the rest of the student body. Students who are mainstreamed into regular classes but are unable to absorb the material, often find no special education class which covers the same subject; they have to drop the course altogether. Most of the vocational courses that are available have just been offered in the last few years and are open to only a very few students. The fact that there are long waiting lists of students who wish to take some of these classes indicates the need to expand them.7/

Although fewer students attend vocational as opposed to academic high schools, the problems existing in such schools are more serious. The number of special education students in vocational high schools nearly doubled

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7/ For example, waiting lists exist at the High School of Fashion Industries in sewing and fashion industry skills, and at William Maxwell Vocational High School for the cosmetology and office practices courses.

in the 1984-5 school year (from 1,228 to 2,021), but access to these schools is still difficult. There are no bilingual vocational education teachers; there are no classes or courses for educable mentally retarded students in vocational high schools; and not one vocational high school is wheelchair accessible.

The physical environment of many vocational high school classes is terrible, but it is worse for special education classes. Too often classes are held in old shops, closet-sized rooms and classrooms having graffiti-covered walls. On one site visit we asked the instructional supervisor why attendance was so poor, and he replied, "Would you want to go to school if the classroom was like this?"

In a recent New York Times poll, half of the New Yorkers polled rated crime as the City's chief problem, but three-quarters of those responding believed better schools and increased job training were the best solution to the crime problem.[8/] Special educators would do well to focus on job training. Work-study programs and job counseling services for special education students are minimal, and those that do exist fail to build sufficient bridges to

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[8/] "Poll Indicates Half of New Yorkers See Crime as City's Chief Problem," New York Times, January 14, 1985, p. 1.

governmental and private sector jobs. For example, the vast majority of work-study programs for special education students are limited to hospital settings. The Division of High Schools should expand off-site work programs to include more students in more varied types of job sites in the City such as office clerical work, the construction trade, the garment industry and hotels and restaurants.[9/]

Schools offer little job counseling or placement services to special education students who are nearing the end of their school careers. The Division of Special Education operates a small Job Placement Center but is unable to coordinate its services with the Division of High Schools. Thus, the center fails to work effectively for special education students. Coordination with job counseling and placement services in other government or private agencies is also scarce.[10/] In other words, special

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[9/] High school administrators bemoan the high drop-out rate among all students, including special education students. The Commission believes the drop-out rate would decline and attendance would increase if students were offered more and better job programs in high schools. For example, at the Manhattan Vocational High School, where a model job training program in the construction industry rotates 72 students between job sites and school, attendance is a record 95%.

[10/] The State Office of Vocational Rehabilitation provides only 16 job counselors for 100 high schools in New York City, and these counselors offer no placement services.

education students are left for the most part to find employment on their own.

Unfortunately, there is no information available on the number of special education students who find employment when they leave high schools, but it is unlikely given the limited amount of training, counseling and placement services that many are successful. The Division of High Schools must do a better job of incorporating work related skills into programs, and linking students with employment opportunities in the workplace. Unless this occurs, too many of our special education students will leave school after thirteen or more years without the ability to obtain jobs and lead independent lives.

A word about those with more severe disabilities. Special education in New York City's public schools for older students with more severe disabilities has not kept pace with new programs developed elsewhere. Historically, expectations for what skills or jobs students with serious or multiple handicaps could perform was dishearteningly low. But advances in technology, attempts to break down stereotypes and the fact that students in schools today are the first generation to have the right to an appropriate education have substantially raised career possibilities.

Elsewhere in the country there are vocational education programs, many of them university based, which link severely handicapped students with on-site employment training in their communities.[11/] The sites of the job training programs range from cafeterias and hospitals to day care centers, public parks, construction sites and business offices. These model vocational education programs focus on developing students' marketable skills and providing job training that can lead to competitive employment in both private businesses and non-profit agencies.

Unfortunately, with few exceptions, students with more severe handicaps in New York City are tracked into programs based on the availability of a program and not into a program related to individual skills and interests. They are rarely offered on-site job training. Although in some schools there are attempts to teach students skills that are transferable among a number of occupations, too many programs continue to train the more severely handicapped students outmoded skills on obsolete machinery.

The Division of Special Education has not compiled any data on the rate of job placement for this population, but it appears that far too many of these students enter

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[11/] Model programs are located, for example, at the University of Oregon at Eugene, the Commonwealth University in Virginia, the University of Washington in Seattle, Rochester Public Schools in Rochester, New York, the "Star" Program in Norwalk, Connecticut, the Human Resource Center in Albertson, New York and the "Job Path" program in New York, New York.

sheltered workshop environments or custodial care as opposed to the competitive employment they might have obtained with better training. Job counseling and placement services for the more disabled population, as for their less handicapped counterparts, is too little and too late. The system's continued adherance to outmoded programs is a disservice to the students and the City.

III. Related Services and Individualized Education Plans

Special education includes the statutory right to "related services" (i.e., physical therapy, occupational therapy, health services, hearing, vision and speech services, and counseling) provided on the basis of individual need as indicated on a student's Individualized Education Plan ("IEP") and a medical examination as part of every student's triennial reevaluation. (Parent counseling, although listed as a related service in federal law and mandated for parents of children in some programs for more severely disabled students is, as far as we could determine, rarely provided.)

As a result of pressure from attorneys in the Jose P. lawsuit, the Division of Special Education has made considerable progress in providing related services, and virtually all children whose IEP indicates the need for services are now receiving them.[12] In general, any continuing problem in providing related services tends to occur in programs for more severely handicapped students where the need for intensive services is greater.

The Division of Special Education must improve the usefulness of Individualized Education Plans. The IEP, which is written in two parts, can be of central importance to a student's education if properly written and used. At the time a student is initially evaluated as needing special education, SBST's and COH's include on part one of the IEP the following information: long-term individual educational goals; the child's present level of performance in academic, behavioral and social areas; the need for related services and specialized equipment; and the extent of interaction ("mainstreaming") with regular education students. Part two of the IEP identifies short-term individual objectives from the teacher's perspective and is completed by a student's teacher after the student has been in his or her special education program for a period of time. The IEP is reviewed and usually rewritten each year as part of the annual review of a child's special education placement.

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[12] In June, 1984, all but 680 of the 25,742 children scheduled for counseling were receiving this service, and 35,000 children were receiving one or more related services to which they are entitled.

Unfortunately, IEP's serve no purpose for many of the students in special education in New York City because they are either incomplete or not available in the schools the students attend. Until the summer of 1983, the Division had no idea how many IEP's were missing. A survey conducted then found that with respect to nearly half of the special education students, there was no COH file and no IEP or an incomplete IEP. A year later the percentage of students with missing or incomplete IEP's decreased only slightly. IEP's, when available, often are not sent to the school a child attends. In addition to being incomplete, all too frequently IEP's are too vague to be useful.

The problem of missing or incomplete IEP's is a management issue. There is currently no systemwide procedure for the storage and distribution of IEP's, and each COH has its own policy.

Equally important is the need to train SBST's, COH's and special educators in the preparation of more meaningful IEP's that include specific academic, social, vocational and behavioral goals. Without appropriate training, management control of the forms themselves will be a hollow exercise.

IV. The Need for a Better Trained and Supervised Teaching Staff

A United Federation of Teachers union official, testifying at the Commission's hearings, stated:

"One of the system's greatest needs is that of staff development. The teacher shortage, most particularly in special education, has forced the lowering of standards to an abysmal level. In special education, we now have the strange situation of expecting the least experienced, minimally qualified teachers to educate the most difficult students with the most severe learning needs."[13]

There is, unfortunately, a critical shortage of qualified teachers in New York City. To a certain extent, the shortage of special education teachers is directly attributable to the enormous growth in the special education population since 1979, and will be alleviated to some extent by the fact that the rate of growth has decreased in 1984. The projected number of new hires for September, 1985 is approximately 50% less than prior years. However, noncompetitive salaries,[14] limited recruitment efforts outside of the metropolitan area and a complicated hiring and licensing process have also been contributing factors.[15]

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[13] Testimony of Gloria Weinman. (Emphasis added)

[14] The starting salary for teachers in New York City is $14,527. In contrast, neighboring Westchester school districts sometimes offer salaries beginning in the $16,000's; in New Jersey the legislature is considering a minimum salary of $18,500 for all teachers.

Some progress has recently been made in hiring teachers, and the Division has significantly reduced the attrition of newly hired teachers.[16] Vacancies dropped from 500 in 1983 to 100 in 1984, virtually all of which were in schools with persistent personnel problems. Nevertheless, the quality of the teaching staff remains a problem.

The State Education Department sets minimum standards which include the number and type of credits teachers, school psychologists, guidance counselors, social workers and other educational staff in the State must meet in order to be certified. In New York City, in addition to fulfilling state certification or similar requirements, professionals must be licensed by the Board of Examiners, an office of the City's Board of Education that was established pursuant to State law.

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[15] A reason why prospective teachers might avoid New York City public schools is the Board of Examiners system. Even after a teacher has obtained the necessary credits, he or she often has to wait a year or more to take a Board of Examiners' test, obtain a license, and become tenured. Such delays do not occur in neighboring school districts where teachers only have to obtain a certificate from the State Education Department. The City and the Board of Education should reexamine the wisdom of retaining a unique and expensive licensing scheme.

[16] The Division hired 1353 teachers between June and October, 1983 and by December, 1210 remained. Attrition was slightly higher in the high schools (16% for vocational education teachers and 10% for special education teachers).

As a consequence of the critical shortage of teachers and other school professionals in New York City, the Board of Education was granted a waiver from the State allowing it to hire professionals both in regular and special education who have not met certification requirements and/or who have not yet obtained a license from the Board of Examiners. These hires are referred to as Temporary Per Diems ("TPD's"). Special education TPD's need to have earned only a minimum of twelve credits in regular education by the time they begin teaching but must make a commitment to obtain twenty-four additional credits in special education and to pass the Board of Examiners' test within four years.[17/] Vocational education teachers at the high school level need have no special education training whatsoever, and special education teachers of self-contained classes in the high schools are not required to have earned

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[17/] The Board of Examiners is required to terminate TPD's who fail to obtain the requisite 24 special education credits at the end of four years. This past year, however, approximately 300-400 TPD's who were scheduled to complete their course work but did not were rehired and allowed to restart their four year probationary terms.

dual certification in the academic areas they teach.[18]

At present, two out of every five teachers in self-contained classrooms for the moderately handicapped, more than one quarter of teachers serving the severely handicapped and one quarter of school psychologists who serve on SBST's and COH's are not licensed by the Board of Examiners but serve under TPD status. We are advised that a little over two-thirds of these TPD's also lack State certification.

The lack of qualified bilingual personnel is described by almost all as a crisis. Federal law requires that a student must be assessed in his or her native language. In addition, many special education students with limited English proficiency require some or all of their instruction in their native language.[19] The Board of Education has found it impossible to locate a sufficient number of teachers, educational evaluators and school psychologists who are fluent in major non-English languages, and it has proven just as impossible to obtain and train interpreters needed for students who speak other languages.[20/] As a result, assessments of students with limited English proficiency are often not done in their native language, and bilingual classes are virtually unavailable for students in special education. The shortage is so accute that the State should be encouraged to offer scholarships to bilingual college students who will return to the public school system as bilingual special education teachers.

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[18] State certification requirements provide that teachers of academic subjects in classes where diploma credits will be granted must be certified in that subject area. Where classes are not credit bearing, no certification in the subject area is required.

[19] In one district seven different dialects of Chinese are spoken; in another, over fifty different languages or dialects.

The pressing need for additional qualified vocational education teachers for special (as well as regular) education students is yet another area which must be addressed by the Board of Education. In a city as rich in talent as New York City, the Board needs to be more creative. For example, programs should be developed to attract professionals from business and industry to join the public schools as adjunct staff. Although waivers from the Board of Examiners and/or the State Education Department might be necessary, a sensible plan for attracting knowledgeable part-time teachers who could be trained and

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[20/] As a result of lawsuits, the Board of Education is obligated to provide assessments when needed in Spanish, Chinese, Haitian Creole, Italian and Greek. The State has added twenty-one additional languages to the list. The Division of Special Education has translators available for 33 languages.

supervised in special education while in the schools should not meet insurmountable barriers.

Because so few teachers come to the Board of Education with adequate training it is imperative that the Chancellor and the Divisions of Special Education and High Schools ensure the training they receive to become licensed is relevant to the needs of special education students. Although a majority of teachers and school psychologists in the New York City public schools receive their training from colleges and universities in the metropolitan area, there is scarcely any dialogue between the school system and university and college special education departments. Public school administrators, teachers and university professors with whom we spoke think the courses offered in universities and colleges are not sufficiently relevant to the needs of New York City teachers. A frequently cited example is that special education teachers in elementary schools often find themselves teaching children who have the skills of children much younger than their age. Yet, early childhood development courses are often not part of a teacher's training.[21/]

Although these and other skills are known to be needed, the Board of Education fails to advise colleges of these needs or even advise newly hired teachers, who must take courses to obtain a Board of Examiners' license, as to what courses to take. While there have been some efforts in the past to link colleges and universities with special educators in the public schools, the Divisions of Special Education and High Schools should formally establish such ties.

The Division of Special Education and its five regional offices also provide training for special education teachers in elementary and junior high school. The Board requires that each teacher take a minimum amount of in-service training focusing on the "bare essentials" (for example, how to conduct an annual evaluation and how to complete an IEP) and new Division policies. Unfortunately, virtually all of the training occurs in workshops rather than in the classroom, and little of the training is related

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[21/] A more complete list of needed courses at the college and university level is provided in Table 12 in Appendix B.

to how to improve classroom teaching.[22]

An increase in in-service training is particularly necessary for high school teachers. Special education students who attend courses with regular education students in high school are taught by teachers who have no special education training or background. Virtually all vocational courses in the high schools, other than those taught in schools reserved exclusively for special education students, are also taught by teachers with no background in special education. The Commission heard reports all too frequently to the effect that vocational education teachers are reluctant to teach students with disabilities.

In addition to conducting in-service training, the Division of Special Education assigns instructional supervisors to all special education teachers. However, special education teachers in elementary and junior high schools require more supervision than they now receive. There are too few instructional supervisors, their range of functions are too broad and the schools they must now cover are too dispersed geographically. Moreover, instructional supervisors have little input into training efforts and take little responsibility for ensuring that skills teachers learn in courses are used in the classroom.

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[22] Teacher Training Centers, which are located in school buildings and operated by the UFT, are staffed by teachers who are partially released from classroom obligations. These teachers are available to help others choose or adapt curricula, determine how best to handle a particular student and, in general, to assist teachers in solving instructional problems concerning special education students. Principals and superintendents differ in their attitudes toward these Centers. Some believe they are valuable (although expensive); others feel that teachers should not have the latitude to assist other teachers without supervision. However, teachers with whom the Commission spoke were enthusiastic about the Centers, and the Chancellor should consider expanding them.

Instructional supervisors, assigned to each of five special education regional offices, supervise between 35 and 45 teachers, located in as many as five different school sites. These supervisors are responsible for supervising special education teachers, rating their performance (along with principals) and assisting teachers in preparing annual and triennial reevaluations of students' progress. They must also complete numerous forms and serve as messengers transporting documents and forms between the schools and the regional office.

Both teachers and supervisors with whom we spoke admitted that supervision is virtually nonexistent, especially in schools with only a few special education classes. With time lost shuttling between different school and regional offices, and still more time consumed with paperwork, supervisors have little opportunity to do what they should do --- supervise.

Ideally, the Division should have an instructional supervisor on site at each school with special education classes. If our recommendation in Chapter IV to assign more control over special education to superintendents and principals is adopted, there will be on-site supervision for teachers at each school. If the present administrative structure is retained, the Board will have to hire more supervisors for elementary and junior high schools.

Supervision is handled somewhat differently in the high schools. Fifty-four of the 94 high schools with special education students have assistant principals who are in charge of special education in the school, and 23 instructional supervisors cover the remaining 40 high schools.

One assistant principal cannot supervise the variety of academic and vocational courses taught in special education classes. High school teachers who have special education students should be supervised not only by an assistant principal, who has special education expertise, but also by teachers knowledgeable in the subject areas being taught. To ensure that this occurs, regular education academic department heads or their designees should assist in supervising instruction in both regular and special education classes in their discipline, whether or not such instruction is geared toward obtaining diploma credit. All vocational education teachers who have special education students in their classes should receive some training in the goals of special education and on-going supervision by a supervisor with special education expertise.

VII. Toward Greater Cooperation Between Schools and Community Agencies

Other government and private agencies operate an array of programs which could serve special education students if the Board of Education would create mechanisms for better cooperation between schools and community agencies.

In this Chapter, we have discussed the lack of job counseling, the virtual absence of work-study programs for all but hospital careers and the lack of trained teachers for vocational educational courses. Whenever possible, school leadership should build bridges to other agencies to fill these voids. For example, some private agencies in the city are able to provide special education students with vocational counseling, training in career and vocational skills and job placement. These programs should be available to students before they leave school.

While some social workers, teachers and supervisors attempt to link students with appropriate community agencies, the school system as a whole does not seem to facilitate these efforts and the extent to which they are made varies enormously throughout the City.[23]

Many students in special education, particularly those with more severe disabilities, are served by a number of different agencies (and will continue to receive such services after leaving school). School administrators and teachers make little attempt to coordinate services a student receives outside school with those the student receives inside the school building. Teachers often have no idea what outside programs or services their students receive, and parents are left to attempt as best they can to bring together a patchwork of services and agencies into a cohesive whole.

In February 1985, the Chancellor established a committee to explore ways to increase cooperation between the public schools and community and government agencies. This committee's agenda includes determining incentives to link agencies with schools and developing criteria for districts and schools to use in selecting community agencies. We recommend that the Chancellor's committee

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23/ Brookdale Hospital Medical Center, for example, has a comprehensive mental health program which provides school-based mental health services to public school students in the Brownsville/Oceanhill neighborhood as well as an after school and summer program. Cooperative programs such as this one should be established in other schools.

pay specific attention to programs and services for children in special education.

VIII. Conclusion

As we have indicated elsewhere in this report, the Division of Special Education has made significant improvements in the management of the special education program. The Board of Education and the Divisions of Special Education and High Schools must now turn their attention to the substance of special education, to what is happening in the classroom. Having brought some order to the special education system, the Division must now create a content equal to the structure.

CHAPTER III

CHAPTER III: SERVING CHILDREN WITHOUT ISOLATING THEM: PLACING STUDENTS IN THE LEAST RESTRICTIVE ENVIRONMENT

RECOMMENDATIONS

I THE STATE EDUCATION DEPARTMENT SHOULD SEEK WAYS TO EXPAND SPECIAL EDUCATION OPTIONS TO PLACE STUDENTS IN THE LEAST RESTRICTIVE ENVIRONMENT, INCLUDING FUNDING A PILOT PROGRAM TO PLACE MILDLY AND MODERATELY HANDICAPPED STUDENTS IN REGULAR EDUCATION CLASSES WITH INSTRUCTIONAL AND SUPPORT SERVICES PROVIDED IN THAT SETTING.

II THE BOARD SHOULD TAKE STEPS TO ENCOURAGE MAINSTREAMING, INCLUDING PROVIDING SUPPORT SERVICES IN REGULAR EDUCATION, AND WHERE APPROPRIATE, REDUCING CLASS SIZE.

III THE BOARD SHOULD MAKE AN EFFORT TO DECREASE THE PHYSICAL SEPARATION AND ISOLATION OF SPECIAL EDUCATION STUDENTS.

IV THE SIZE OF THE RESOURCE ROOM SHOULD BE INCREASED TO SEVEN STUDENTS PER CLASS AND A TEACHER/STUDENT RATIO OF ONE TO TWENTY-EIGHT.

--- Resource room teachers should be encouraged to work with regular educators and teach both handicapped and non-handicapped students.

I. Introduction

One of the basic thrusts of the federal and State laws regarding special education is that to the maximum extent appropriate, children with handicapping conditions should be educated in the least restrictive environment. The law holds school districts responsible for initially placing handicapped children in separate and segregated classes "only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily".[1/] The law has been interpreted to require that if children must be placed in separate classes, they should still spend as much time as possible "mainstreamed" into classes or activities with regular education students.

The reasons are obvious. Children, with or without handicapping conditions, are more alike than not, and it is their similarities that should be emphasized, not their differences. In addition, those who drafted the laws regarding special education had good reason to believe that both handicapped and non-handicapped students benefit from

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[1/] The Education for All Handicapped Children's Act, P.L. 94-142, § 612(5), 20 U.S.C. § 1412(5): accord, Opinion of the N.Y. State Commissioner of Education regarding Education Law, § 4402 (McKinney's).

learning in a heterogeneous environment. Studies indicate that with careful planning and appropriate training of school personnel, the self-image and academic achievement of many special education students prosper in the mainstream, and regular education students, otherwise sheltered from those with handicaps, learn to relate to others who may be different without adverse educational or social implications.[2/]

New York City has paid little attention to its obligation to educate children in the least restrictive environment. As pointed out in the first Chapter of this Report, one of the disturbing aspects of the City's special education system, encouraged, we believe, by the State funding scheme, is that most special education students are placed in segregated settings. Nationally, 30% of all handicapped students are educated in segregated classes; in New York State the figure is 47%, and in New York City, 70%.[3/]

[2/] See Robert Slavin, Teacher Assisted Individualization, Center for Social Organization of Schools, John Hopkins University, 1984; Margaret Wang, Adaptive Learning Educational Model, Learning Research and Development Center, University of Pittsburgh, 1983.

[3/] Some progress was made in the 1983-84 school year, when 52% of the students recommended for special education were placed in self-contained settings. A comparative analysis by state is provided in Table 13 of Appendix B.

In addition, although useful data are not available on the exact number of children in self-contained classes who are mainstreamed for part of the school day, based on numerous site visits and interviews, it is the Commission's sense that mainstreaming is negligible. Moreover, special education classes are often isolated from the main areas of schools where non-handicapped children attend classes and socialize.

II. Placing Students in the Least Restrictive Environment

In order to provide handicapped students with an education in the least restrictive environment, the State and City should develop a range of placement options (or "continuum") which allows special education students to be placed in a setting that affords the maximum amount of interaction with students in regular education. While New York State law, like federal law, requires that a special education student be placed in the "least restrictive environment", the State, by its funding scheme, actually discourages the education of handicapped students with their non-handicapped peers.

A special education continuum would ideally be comprised of a comprehensive range of placements, beginning with maintaining the special education student entirely in the regular education class with instructional or support services brought into that setting. Removal of a handicapped student from the regular education class would occur only when, because of the severity of the handicapping condition, an appropriate education is best provided by placing the student in a separate self-contained class. In these cases, the student should be mainstreamed for classes and activities with non-handicapped peers as often as possible. A continuum of this type would provide for the maximum integration of handicapped and non-handicapped students, with more students remaining in a regular education setting.

Maintaining a special education student in the regular classroom with instructional or support services is the most desirable means of providing special education. First, it avoids separating special education students and making them feel as if they are different. Second, providing such services within the regular class has proven to be more effective educationally because these services can be reinforced continually throughout the school day.4/ Moreover, if the support services are provided in the

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4/ Wang, Margaret and Birch, Jack, "Comparison of a Full-Time Mainstreaming Program and Resource Room Approach", Exceptional Children, Vol. 51, No. 1, September 1984.

in the regular classroom, other regular education students may benefit, and thus some referrals to special education may be avoided.

However, sustaining a special education student in the regular class with assistance from special educators is not recognized by New York State as special education, and, thus, there is no State funding for this option. Consequently, all special education students who need instructional or support services are removed from regular education classes.

A pilot program conducted for a limited time in New York City in 1982-83 sought to place emotionally disturbed, educable mentally retarded and learning disabled students into regular education classes for the entire school day. The program, called Adaptive Learning Education Model ("ALEM"), was applauded by both administrators and teachers for meeting the needs of extremely different students in one class setting. Unfortunately, since the State will fund special education only in segregated settings, ALEM was discontinued by the Board because the State would not fund it.

Because of the benefits of bringing special education into the regular classroom the State should consider funding such efforts. The Commission recommends that the State fund a pilot program which would provide special education and supplemental services in regular classes for handicapped students who can be served there. The program should, at least initially, include those students who can be expected to be decertified from special education as a result of this project. Special education should not necessarily mean that a student has to be segregated from non-handicapped peers and taught only by a special education teacher. While we appreciate that it is difficult to monitor the provision of supplemental services in regular education classes, other states and school districts have been able to overcome the difficulty, and we should be able to do so in New York as well.

The least restrictive placement option currently funded by New York State is the provision of "related services", such as speech therapy and counseling. Related services are provided on what is called a "pull-out" basis, meaning removal from the regular class for some time during the school day, most typically for two sessions per week. The second placement option in New York is the resource room, which provides instructional support for mildly disabled students, again, on a pull-out basis. Typically, a student spends approximately one period a day or 20% of the week in a resource room. The only other placement option funded by the State which is located in the regular school is the "self-contained" classroom. Students spend 60% or more of the school day in these classes, which are comprised solely of special education students, some of whom may be mainstreamed into regular education classes for part of the day. Even more restrictive settings include separate schools and home and hospital instruction.

In contrast to New York State's narrow continuum of special education options, other states with more flexible funding schemes provide a broader continuum. For example, Massachusetts offers a range of placement options beginning with "regular education with modifications" and progressing through nine placement options (as opposed to three in New York) which separate the special education student from regular education only when other options are not appropriate. State aid is allocated for each of the nine options, and the level of aid corresponds to the amount of time the student is out of regular education. In Minnesota, children with hearing, vision and orthopedic impairments are placed with students in regular education classes if at all possible. In order to provide adequate support, consulting teachers are assigned to work with both the regular education teachers and the students to facilitate their academic and social integration in regular education.

Seventy percent of the cost of the consulting teacher is reimbursed by the State, and the balance is paid by the local school districts.

New York State and the City must begin to meet their obligation to educate students in the least restrictive environment appropriate to meet their needs. Creating a broader continuum of services funded by the State would be a significant step in meeting this obligation.[5]

Before continuing our discussion of placement of students, it is appropriate to take a moment to talk about resource rooms. As mentioned earlier, resource rooms are separate classes to which a special education student with a mild handicapping condition is assigned for instructional support for 20% of the week. These students are removed from their regular classes for part of the school day and placed in a resource room with a maximum class size of five students to a teacher.[6/]

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[5] The Commission has endorsed the City's proposal to amend the current funding formula to an expenditure-based formula. This would permit reimbursement for special education services according to the actual cost of providing those services rather than merely according to three pre-determined placements (or weightings) as is currently the case. This would enable services and placements to be determined by the actual needs of the student, not by the funding formula confined exclusively to three catagories. See Appendix C for discussion.

Although many students benefit from resource room instruction, their placement there is nevertheless not always appropriate. Too frequently, resource rooms are described as tutorial sessions for slow learners. Those interviewed by the Commission often expressed the view that many children in resource rooms could achieve well in regular education if support services existed there. Less often, resource rooms are described as inappropriate placements for students who require intensive education but whose parents refuse to allow placement in a self-contained class; parents will "bargain down" a placement decision from a self-contained class to placement in a resource room. At the same time, parents have become increasingly willing to have their children receive resource room instruction because of the small class size compared to the class size in regular education classes and will seek placement in a resource room even when the child may not be handicapped.

[6/] Although new State regulations allow placement in a resource room for up to 50% of the school day, the funding formula limits reimbursement to 20% of the school day. Consequently, students are rarely, if ever, placed in resource rooms for more than 20% of the day.

Resource rooms are an extremely expensive method of providing tutoring and should not be used for that purpose. One period of instruction in a resource room costs more than a full day of regular classroom instruction in elementary schools. The additional instructional cost of a student receiving one period of resource room per day is approximately $1,600 annually.

The Commission has considered at length the issue of class size for a resource room. There is, of course, no optimal size, but considering that approximately 30% of the special education population is assigned to resource rooms and the cost of such instruction is extremely high, the Commission recommends that the State increase the allowable class size of resource rooms from five to seven students. We recognize that some special education advocates vigorously oppose any increase in the size of resource rooms as a dilution of special education services. Nevertheless, we are convinced by others that increasing the class size to seven will not affect the quality of education and will result in enormous cost savings.7/

7/ The annual cost savings of increasing the class size from five to seven in New York City would be approximately 13 million dollars. In addition, cost savings will be accrued by amending State law and regulation to permit appropriate reimbursement for high school and junior high school resource room instruction, as more fully discussed in Appendix C.

It is difficult to make exact comparisons with resource room sizes in other cities because of the differences in, and complexity of, regulations. However, when compared to ten other cities where comparisons could be made, New York has the smallest allowable class size for resource rooms.[8/] Nine of the ten cities used in the comparison have either a limit of ten students per resource room class, or no limit; Boston has a maximum size of 8 students. Moreover, the class size of resource rooms in New York City seldom reaches the allowable limit of five children. On site visits conducted by the Commission we rarely found five children in a resource room.

Other changes in resource rooms would also be beneficial. Resource room teachers are specialists whose talents are currently underutilized. Although State regulations permit resource room teachers to provide some assistance in regular education classes, the lack of coordination between special and regular education discourages such assistance. Resource room teachers should be encouraged to consult with regular educators to ensure that students who receive resource room instruction apply newly acquired skills in regular education classes. In addition,

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[8/] See Table 14 in Appendix B for comparative data on resource room sizes in other cities.

the expertise of resource room teachers in learning disabilities should be shared with regular educators on a consistent basis through teacher consultation and intervention with students who are having difficulties in class but who are not certified as "handicapped".

Returning to the issue of student placement in special education programs, other changes are needed in the process by which placement decisions are made for special education students. Again, despite the mandate to place students in the least restrictive appropriate environment, it appears that too often in New York City factors unrelated to a child's educational needs determine placement decisions. The overwhelming consensus among those with whom we spoke is that seat availability in classes is often the chief determining factor in placing a student, and it is not unusual to have a program recommendation changed due to the unavailability of seats in the originally recommended program. Moreover, despite the time SBST members spend learning about a child, the COH often does not request their input to assist in determining an appropriate class for the student.

The manner in which classroom space is allocated and special education classes are isolated in separate school wings or annexes reflects limited consideration for the educational needs of these students. The separation between regular education and special education in the City's school system forces special education administrators literally to negotiate for classroom space in a school and to have little say regarding the location of classrooms within a school.[9/] The Board of Education should take steps to end the practice of locating special education classes in parts of schools that are separated from central areas where non-handicapped students mingle and are educated.

Children with severely handicapping conditions, for example, autism, profound mental retardation and multiple handicaps, present a special concern. These students are usually excluded from the regular education environment, and are often placed in separate schools altogether. Other cities, such as Houston, educate even their most severely handicapped students in the same buildings as nondisabled students. When severely disabled children are taught in the same building as their non-handicapped peers, they can interact in a wide variety of activities, including lunch, assemblies, peer tutoring and clubs.

Program descriptions for separate schools in New York City currently detail how activities can be planned

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[9/] The impact of the separation between special and regular education is discussed in detail in Chapter IV.

with non-handicapped students through community projects, special events with regular public schools and programs encouraging regular education children to assist handicapped ones in daily classroom activities. With rare exceptions, however, such activities do not occur.

The Division of Special Education does plan to place more of the younger severely disabled children, those 4.9 to 8 years old, in regular schools, hoping that their initial placement in a less restrictive environment will obviate the need to transfer them to separate schools as they get older. This new policy, if implemented, is an important initiative.

While we have urged a focus on the least restrictive environment, a note of caution is necessary. As we have suggested, it is important to consider the individual needs of each student in making placement decisions. This is especially important with respect to children with health impairments and physical handicaps. These children have traditionally been grouped in self-contained classrooms (labeled "HC-10" and "HC-20"), but the State Education Department ordered the Division to disband these classes on the ground that segregation of children based solely on health or physical disabilities is illegal, a decision with which we agree. Accordingly, the Division will be reassigning these students to the one or two barrier-free schools in their home districts.

Although wholesale segregation is inappropriate, we are concerned that placement changes be made by determining not only the educational needs of these students, but also by considering their social and psychological needs. For example, some children might feel stress from being the only wheelchair bound student in their class, and clustering of small groups of such students might ease the situation.

III. Mainstreaming in New York City

A critical aspect of the requirement to educate special education students in the least restrictive environment is to ensure that when they are placed in self-contained classrooms they are mainstreamed for academic as well as non-academic classes to the extent appropriate. Special education children should be a part of the school they attend. Their activities and classrooms should not be isolated, and their education and socializing should include as much interaction with their non-handicapped peers as possible.

Mainstreaming is expensive, for it requires that a seat be available for the handicapped student both in the special education class as well as the regular class. But the expense should not be used as an excuse to ignore mainstreaming. "Handicapped" children in New York City are already stigmatized by their label, and should not have the stigmatization continually reinforced by being segregated at all times from their non-handicapped peers.

Yet mainstreaming students without adequate support only sets them up to fail. Effective mainstreaming necessitates realistic guidelines to determine the mainstreaming capabilities of children with handicapping conditions, support services in regular education and training for regular education teachers with respect to the needs and characteristics of special education students. These prerequisites to mainstreaming do not exist in New York City, in large part due to the schism between special and regular education. We believe our recommendations regarding the administrative structure of special education set forth in Chapter IV will be most helpful in making efforts to increase mainstreaming.

Another factor inhibiting mainstreaming is biased attitudes on the part of some regular education teachers. The Board of Education can help change attitudes by providing training for teachers in the needs of special education students and classroom modifications that can be adopted in order to include disabled children in regular classes.[10/]

[10/] Chapter II includes a discussion of teacher training.

The large class size in regular education classes is also an obstacle to mainstreaming. Regular education teachers are understandably reluctant to accept another student into a class of thirty or more students. While the Board has begun recently to address this issue by allocating funds to reduce some class sizes to encourage mainstreaming, such funds should do more than merely act as an "incentive" to a school district to sporadically lower class size in a grade or school. Funds for mainstreaming should include the planned and monitored reduction of class size in particular grades and classes.

The lack of curriculum in special education which parallels that in regular education, as discussed in Chapter II, seriously impedes mainstreaming of special education students. For example, of the twenty vocational high schools with vocational classes for special education students, thirteen have self-contained vocational classes which do not parallel courses available to regular education students. Therefore, it is virtually impossible for special education students in these schools to be mainstreamed for these courses.

There appears to be no prevailing sense in New York City that mainstreaming is an important goal, one that is educationally beneficial for the student, legally mandated and genuinely expected by the Board of Education. Increased mainstreaming as a goal should be given priority. The consistent and unnecessary isolation of children with handicapping conditions is unfair and detrimental to all students.

IV. Decertification

The complete transition of a special education student back into regular education is termed "decertification". Like mainstreaming, decertification of children is impeded by the absence of supplemental support services funded in regular education, lack of coordination between special and regular education teachers, as well as minimal preparation of a student for the transition into a regular education class. Historically, decertification was also impeded by the failure to reevaluate the need for special education for students every three years, as mandated by law. To its credit, the Division in 1983-84 conducted such triennial reevaluations for almost 40,000 students.

Very few special education children in New York City are decertified. In the 1983-84 school year, only 2% of the students in special education were decertified into regular education.[11/]

[11/] See Table 15 in Appendix B for data on movement into different settings.

Movement of special education students to less restrictive environments is minimal. Indeed, the number of children who move to more restrictive classes continues to outnumber those who move to less restrictive classes. In 1983-4, 3% of all children in special education were moved to less restrictive settings, and, in contrast, 3.5% were moved to more restrictive classes.

While State regulations recognize the provision of transitional services for students moving to a less restrictive enironment, such services are not currently funded by the State. Given the limited amount of support services, minimal decertification is understandable but not acceptable. The provision of support for special education students being decertified into regular education should be funded with "transitional support aid" currently being proposed by the State Education Department.12/ This proposal should be given priority.

The Board of Education and State officials must begin to address the causes of negligible decertification and provide effective support for students who could, given

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12/ As explained in Appendix C, services could also be provided under the proposed amendment to the State funding formula to reimburse special education services and instruction according to an expenditure-based formula.

appropriate services in regular education, re-enter the mainstream of the education system. Too often students are placed in special education with little hope of ever being reassigned back into the regular education system.

V. Conclusion

Placement in the least restrictive environment, as well as mainstreaming and decertification, enables all children to learn and to socialize with one another regardless of whether they have a handicapping condition. As we have said before, children are more alike than they are different, and it is their similarities that should be emphasized, not their differences. There is no greater antidote to ignorance, prejudice and discrimination against disabled students than to educate them with their non-handicapped peers.

CHAPTER IV: INTEGRATING SPECIAL AND REGULAR EDUCATION: A MORE RATIONAL ADMINISTRATIVE APPROACH

RECOMMENDATIONS

I. AS SOON AS POSSIBLE, THE BOARD SHOULD DEVELOP AND IMPLEMENT A PLAN TO REASSIGN THE ADMINISTRATIVE RESPONSIBILITIES OF SPECIAL EDUCATION IN ELEMENTARY AND JUNIOR HIGH SCHOOLS TO PROVIDE GREATER RESPONSIBILITY AND AUTHORITY AT THE LOCAL LEVEL.

II. THE BOARD SHOULD ESTABLISH AN EDUCATIONAL OFFICE TO CONDUCT AND DEVELOP SPECIAL EDUCATION CURRICULUM AND TRAINING PROGRAMS.

III. THE BOARD SHOULD EXPAND THE SPECIAL EDUCATION PARENT ADVOCACY AND TRAINING UNIT, WITH PARTICULAR ATTENTION TO PARENTS OF CHILDREN WITH SEVERE HANDICAPS.

I. Introduction

No administrative structure can substitute for firm, inspired leadership and a willingness to demand accountability. The administrative structure that has evolved in New York City's public schools inhibits these ambitions. In large measure, the system's present shortcomings are the result of the fact that administration of special education for elementary and junior high school students occurs in absentia; responsibility resides with personnel too physically removed from the schools that the children attend. School officials must have both the responsibility and the authority for instruction and services for children with handicaps and the ability to integrate their education with that of all children.

Throughout our Report we have addressed shortcomings of the present special education program in the City's public schools. No one recommendation will more positively affect all of these areas than the recommendations spelled out in this Chapter to give more responsibility for special education to principals and superintendents of our schools.

II. Two Separate Systems

Community school boards in thirty-two separate school districts are responsible for the education of children other than those in special education in from 16 to 48 elementary and junior high schools per district.[1] The chain of command in these districts begins with the principal in each school who reports to a superintendent hired by an elected, nine-member community board. Each school board and superintendent is accountable to the Chancellor and the Board of Education. Although the Board and the Chancellor set minimum educational requirements, allocate funds among the districts based on the size of their student population and retain the authority to assume control under certain circumstances, the districts enjoy flexibility as to where and how to allocate resources and organize instruction. Each principal provides daily leadership in his or her school while superintendents establish districtwide priorities and programs. A separate and central Division of High Schools assumes responsibility for the education of students after they leave junior high school.

In contrast, funding and educational services for all handicapped students in elementary and junior high schools is controlled solely by the Division of Special Education, an office of the central Board of Education.[2] Five regional

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1/ Table 16 in Appendix B is a schematic comparison of the administrative structures of regular and special education.

2/ Table 17 in Appendix B is an organizational chart of the Division of Special Education.

offices of the Division allocate funding, staff and supplies for special education students and teachers in the 137 to 357 separate schools within their jurisdictions. (The jurisdiction of the regional offices coincides with the boundaries of the City's five boroughs with two exceptions. Brooklyn is divided into two regions, and the regional office responsible for the eastern portion of Brooklyn also supervises special education in Staten Island.) Programs for children with severe disabilities are managed by an Office of Citywide Programs, part of the central Division of Special Education. Committees on the Handicapped, located in each of the thirty-two community school districts, and School Based Support Teams report to and are supervised by one of the five regional offices.

Special education at the high school level, except for severely handicapped students, is under the direction of the Division of High Schools, the same office that operates high schools for all other students. The provision of related services in high schools, for example, speech therapy and counseling, however, remains the responsibility of the Division of Special Education, and SBST's assigned to high schools report to one of the 32 COH's and the Division's five regional offices.

As in the case of regular education, the Board and the Chancellor are ultimately responsible for the education of children with handicapping conditions and are accountable for compliance with the specific legal requirements for special education.

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As far as we could determine, this complex structure is unique to New York City. Superintendents and principals in other school districts in cities across the country supervise and administer educational programs for all children, including those with mild and moderate handicaps. The perpetuation in New York City of separate administrative schemes is less the product of a consensus on how best to provide for the education of disabled children, than a result of the historic development of special education and its specific funding and legal constraints.

Prior to the passage of P.L. 94-142, New York City public schools served relatively few disabled children. Those they did serve were discretely labeled according to commonly recognized handicapping conditions --- blindness, mental retardation, physical handicaps, etc. Following then accepted educational wisdom, these children were segregated from non-handicapped peers and from students with different disabilities and were taught by teachers trained in appropriate specialties.

Given this practice, the separate administration of special education from the 1930's until 1977 had a certain logic. A central Division of Special Education maintained separate specialty bureaus, such as the Bureau for the Visually

Handicapped, Bureau for the Physically Handicapped and Bureau for the Hearing Handicapped, each responsible for the education of children whose conditions met a particular definition. Community organizations, also created in response to the needs of particular types of disabled children, established lines of communication with these bureaus. Parents and advocates knew exactly where to turn to demand educational services for their children.

In 1969, regular education for students in kindergarten through junior high school in New York City was decentralized into thirty-two community school districts. Parents and organizations representing the interests of children with handicaps lobbied successfully to keep special education away from local control, fearing that local districts would divert funds targeted for children with handicaps in order to bolster the education of children in regular education.

After the passage of the federal Education for All Handicapped Children Act in 1975, administrators and professionals were faced with a burgeoning population of children who had a far greater range and degree of handicapping conditions. Administrators acknowledged that they could no longer administer special education adequately from one central location. In 1977, the Division piloted a regional office in the Bronx, responsible for the evaluation of students referred for placement in special education, the development of educational programs and the supervision of education and support services. By 1980, the Division began to dismantle the Bureau structure and establish regional offices in each of the boroughs. Although the Division has physically branched out from its central headquarters in recent years, responsibility for the assessment and education of children with disabilities continues to be separate from the administration of regular education at the elementary and junior high level.

The present special education structure gives community superintendents and principals no formal responsibility or authority for the hiring, training or supervision of special education teachers or support staff, the curriculum for special education programs, the allocation and assignment of special education guidance counselors or SBST's, or the supplies for special education classes. They also have no formal authority over the referral, assessment and decertification process or the decision to mainstream a special education student from a self-contained classroom into a regular classroom for part of the school day. The Commission finds it ironic that with the exception of teachers, those educators in the school system most able to affect the education of our children, superintendents and principals, have no say with respect to those in need of "special" education. Once students are placed in special education, regular education administrators usually relinquish any responsibility for these students' education, and there is virtually no dialogue or interaction between the two systems.

As a result of the gulf between the two systems, special education staff and students have acquired second-class status. For example, special education teachers are often excluded from school faculty, department and grade meetings, and attendance officers in the schools do not review absenteeism in special education classes. In a sense, special education run by the central Board of Education and Division is a tenant in the regular education system.

The separation at times extends to minor but routine matters. For example, SBST's must travel to COH offices to xerox reports because they are often precluded from using the schools' copying machines which are not funded with special education dollars. For the same reason, if supplies for a special education class are exhausted, a special education teacher cannot replenish them from the school's general supply room but rather must attempt to procure them through the Division's regional offices.3/ Very often educational evaluators and psychologists must test students in nurses'

3/ Several special education teachers testified at the Commission's public hearings as to their frustration in attempting to procure the most basic supplies through a central system.

offices or hallways, because principals deny them appropriate space.

The lack of a coordinated approach to the education of all children adversely affects regular education as well. Regular education teachers do not attend special education training sessions even when the subject being discussed, such as mainstreaming, may be pertinent to their responsibilities. Regular and special education guidance counselors work with totally separate groups of children and do not coordinate their schedules.

One of the more disturbing consequences of the lack of coordination between regular and special education is the increased tension and lack of understanding between the two groups. Regular education teachers, unknowledgeable about the characteristics and needs of children in special education and the reason for low student/teacher ratios, jealously compare their obligation to teach over thirty students to the ten or twelve students assigned to a special education teacher in a self-contained classroom. Principals, teachers and parents blame the wealth of resources placed in special education for the lack of music, art and libraries in their schools. Special education students are "those" students, not "our" children.

Other administrative problems result from the separation. City and school officials chastise SBST's for being unproductive, but because they are administered centrally, there are no on-site supervisors available on a daily basis to ensure that these teams work efficiently. Principals, lacking authority and responsibility, do not fill the vacuum. The lack of mainstreaming of special education students, discussed in Chapter III of this Report, is due not only to different curriculum in special education and regular education classrooms, but also to the lack of coordination between the teachers. These are also contributing factors to the small number of special education students who are decertified.

The separation between regular and special education is exacerbated by the State's funding formula. As we discussed in Chapter III, unlike those in many other states, New York's special education statutes do not permit full-time placement of special education children in regular classrooms with support services brought into the classroom. Counseling and speech therapy, for example, are only funded if the child is labeled "handicapped" and the services are provided outside the regular classroom.

III. The Need to Integrate Special and Regular Education at the Local Level for Elementary and Junior High School Programs

A. A Change is Necessary

The Commission recommends that much of the authority and responsibility for elementary and junior high special education programs for the mildly and moderately handicapped be given to principals, superintendants and local school boards. This recommendation, if implemented, will positively affect all of the areas of concern we have addressed throughout this report and result in a vast improvement in the provision of special education to the appropriate students in a way which will be beneficial to all students. The Commission strongly believes that school based leadership will best provide the opportunity to improve the quality of special education, the quality of assessments and placements in the least restrictive environment and the ability to mainstream students.

Specifically, superintendents and principals should be responsible for the hiring, training and rating of special education teachers. COH's and SBST's should also be placed under local control as soon as the Board has defined the role of COH's and SBST's to eliminate redundancies in their functions, as discussed later in this Chapter. In the meantime, principals should be given responsibility for the daily supervision of SBST's.

COH's are now responsible for the assessments and the provision of related services for high school as well as elementary and junior high school special education students. SBST's in high schools, as in elementary and junior high schools, are accountable to COH's and to personnel in regional offices. In light of our recommendation to place those COH's and SBST's in elementary and junior high schools under the control of community schools districts, there will have to be separate high school COH's (one for each borough) who report to the central Division of High Schools. The establishment of these high school COH's will ensure that evaluations of high school special education students are monitored by personnel who better understand their needs and the programs available to them.

At the same time, while some experts in special education have advocated the total merger of special and regular education,[4/] we believe there are important reasons for a continued centralized special education arm in the school system. The Board has the legal responsibility to ensure that special education services are provided to all students with handicapping conditions, and, therefore, the continued presence of a central Division is needed to monitor the use of special education funds and personnel, the provision of appropriate services to children and compliance with legal requirements. In addition, a central COH should monitor the consistency and accuracy of assessment and placement decisions, as well as decisions to place special education students in private schools at public expense. The Division must also establish standards

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[4/] For example, Stainback and Stainback, "A Rationale for the Merger of Special and Regular Education," Exceptional Children, 1984, pp. 102-111.

of achievement for special education students and a system for determining when and why these standards are not met.

Programs for students with severe disabilities should, at least for the foreseeable future, remain under central control. Although the central Board and Division should study ways to integrate these students as well as children with less severe handicaps into community schools, the specialized expertise needed to develop and implement programs for this population should remain at present in a central office.

The central Board resists making major changes in the current administrative framework at the elementary and junior high school level, and argues for maintaining central control in order to ensure compliance with its legal responsibility for special education. The Board further argues that if there is to be any change, it should await the outcome of the SEALL project, an experiment begun in the 1984-85 school year to place more control at the local level in three districts.

We disagree. First, the Board's legal responsibility with respect to special education is no different from that with respect to regular education or, for that matter, with respect to other federal or state funding programs such as federal Chapter 1 funds. It has ultimate legal responsibility for all programs and funds within its jurisdiction. But, as in so many other cases, it can and should delegate that responsibility. There are too many inefficiencies, too many shortcomings, to continue to operate all of the special education programs centrally. Secondly, as to the timing, we think the benefits from reassigning responsibility and control of a significant part of special education to superintendents and principals are too great to justify waiting any longer. We think the SEALL project is valuable, and in considering our recommendations we learned a great deal from it. We expect the Board of Education will continue to learn from it, but it should not be used as an excuse to continue to delay what is long overdue. The responsibility for special education for mildly and moderately handicapped students in elementary and junior high schools must now be put in the hands of those who can make a difference --- the teachers, principals and superintendents. The education of students with handicaps is too important to be left to those who are not in the school.

The positive effects of integrating special education with regular education at the high school level further supports our recommendations. Although this report has pointed out the need for improvement in staff, curriculum and mainstreaming at the high school level, enormous progress has occurred in the last two to three years since the Division of High Schools assumed control for programs for mildly and moderately handicapped students. Teachers, principals and supervisors in high schools were skeptical about whether the administrative change would result in improvements; they have been surprised by the extent of the improvements since special education became a part of the high school division. Mainstreaming for lunch, assemblies and gym noticeably increased. High schools that formerly refused to admit any special education students now set aside six percent of their seats for these adolescents. Prior to the merger, supervision of high school special education teachers resembled what occurs in elementary and junior high schools; supervisors covered as many as ten schools and reportedly supervised as many as 95 classes. Assistant principals in charge of special education are now located in many schools, no supervisors cover more than two schools, and the head of each high school is accountable for all children who attend classes in the building.

We recognize that the transfer of responsibility and authority we have purposed can not occur overnight. However, we recommend that the Board develop as soon as possible an implementation plan for a orderly transfer of much of the responsibility for special education in elementary and junior high schools to the local level. While it is appropriate for the Board and the Chancellor to determine the specific assignment of authority and responsibility, we have provided an outline of suggested assignments at the conclusion of this Chapter.

B. SEALL: Special Education at the Local Level

To better understand our recommendation, a explanation of the SEALL project will be useful. To its credit, the Board of Education, aware of the problems in the present administrative structure, authorized a demonstration project that experiments with the delegation of control to community school superintendents over some aspects of special education.

This project, called Special Education at the Local Level, or SEALL, was initiated in the 1984-85 school year in districts 1, 18 and 20. Under Project SEALL, the central Division retains ultimate responsibility for special education programs and is solely responsible for negotiations with the State Education Department. The central Division also continues to control COH's and the assignment of SBST's, clinical supervisors, special education staff and instructional supervisors. Finally, citywide programs for the severely disabled remain under central control as does the allocation and distribution of special education funds and supplies.5/

5/ Unlike an earlier experiment in increased local control, the "Harrison House" project, the guidelines for SEALL specifically detail the allocation of responsibilities between regular and special education administrators. The Harrison House project, which was in effect in 1982-83 in several districts, received mixed reviews, in part because lines of authority overlapped much more than they do under the SEALL project.

However, superintendents and principals in SEALL districts are administratively responsible for SBST's assigned to their schools, including their schedules, the timelycompletion of evaluations and the provision of counseling as a related service. The districts also have responsibility for staff development and the allocation of space for special education programs in their schools. Principals are responsible for coordinating services to special education as well as regular education students in their schools. To implement SEALL, the districts received only two additional personnel, a District Supervisor of Special Education, charged with overseeing daily operations, and an additional field supervisor.

Under SEALL, participating districts have begun important initiatives and have begun to see some progress. Superintendents and principals closely monitor the schedules and workload of SBST's. Prior to SEALL, these SBST's set their own schedules, which did not necessarily coordinate with the schedules of others with whom they had to confer. In addition, the Commission has the impression that the SBST's are becoming more a part of the schools in which they are based. Similarly, clinical supervisors, who in at least one district are now based in schools rather than at the COH for part of the day, are becoming a part of the schools they serve. Each of the three SEALL districts has begun to establish Pupil Personnel Teams, similar to the Teacher Assistance Teams recommended in Chapter I of this Report, to assist teachers and students in regular education. Most importantly, each district has established procedures to facilitate mainstreaming of special education students. Finally, each SEALL district is working to integrate the training and staff development of the regular and special education staffs. All of these efforts should be continued. Project SEALL is a step in the right direction.

IV. Needed Improvements in the Current Administration of Special Education

Not all the weaknesses in the special education system are directly attributable to the separate administration of regular and special education. Few would quarrel with the conclusion that many improvements can be made now while the restructuring is being planned.

A. The Central Office

As we have emphasized throughout this report, in the past two years the central Division has vastly improved its administrative capabilities. Administrative coherence has replaced chaos, and special education's leadership has successfully addressed many of the procedural and compliance problems that had historically plagued special education.

However, the central Division needs a stronger educational focus. Data, budget, compliance and general administration matters consume the time of the central staff.

The Division devotes little staff time or attention to program and curriculum initiatives or research and design of special education programs.

This lack of attention to education matters is particularly disturbing because researchers, educators and staff in education departments in other cities throughout the country are implementing new programs and teaching techniques that might well benefit students here. While the major function of special education is to teach, additional research and pilot programs would help improve the educational process in special education programs. We recommend that the Board expand and strengthen the Division's capability in this regard by establishing a new unit to conduct research and coordinate curriculum and educational training.[6/]

B. Regional Offices

Although regional offices of the Division will ultimately be unnecessary, they will continue to exist during the transition of responsibilities to superintendents and principals and should be more systematically and consistently

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[6/] The Office of Educational Evaluation has a special education component, but it is restricted to evaluation of programs that are reimbursed with federal or State funds, or specific programs the evaluations of which are requested by the Chancellor or the Chief Administrator of the Division of Special Education. A research office that formerly existed in the Board of Education fell victim to the fiscal crisis of the 1970's.

organized. At present, the staffing patterns of the five regional offices differ significantly; budgets for regional offices vary by as much as $200,000, with few explanations available to justify the discrepancy.

The focus of each regional office is more a function of the priorities of each regional Deputy Assistant Superintendent ("DAS") then of a defined set of responsibilities. The administrative abilities within the regional offices are also inconsistent. Administrators in the central office should rationalize the structure of the regional offices to reflect a consistent definition of these offices' functions and staff lines.

C. Committees on the Handicapped

At present, many of the functions of COH's and SBST's overlap. COH's review all SBST decisions recommending placement of children in self-contained classrooms, mainstreaming of students and moving students to less or more restrictive class settings. In Chapter I the Commission has recommended changes in the assessment process, the composition of SBST's and the supervisory role of COH's. Once these changes are made, the Chancellor should reassess the role of COH's and SBST's to remove redundancies in their functions. Consideration should be given to whether SBST's should at some point in the future serve as school-based COH's and be expanded to include a parent and recognized as such under State law.

D. The Need to Reduce and Rationalize Paperwork

Special education staff are consumed by paperwork and other compliance burdens that prevent them from devoting more attention to improving the quality of education and services for children. The Chancellor should appoint a task force whose responsibility it would be to eliminate duplicative paperwork burdens and to target unnecessary reporting requirements that the State and the Jose P. case have imposed.

State and lawsuit reporting and paperwork requirements need to be and can be reduced without sacrificing the purposes of regulations or the needs of special education students. Some requirements, although burdensome, are admittedly necessary. Yet other requirements appear to serve no purpose and simply cost money and waste time. For example, schools must send written notice to parents of special education students, informing them of the right to inspect their children's files. The State requires the schools to place a copy of these letters in every student's file rather than retain one copy with a list of parents contacted and the date of mailing. The Divisions of High Schools and Special Education should compile a specific list of similar requirements that cause needless expense and waste of time. For their part, we trust that officials at the State Education Department and plaintiffs' attorneys in the Jose P. case will cooperate with the Board in this effort to abolish unnecessary requirements.

E. Parents in Partnership with Special Education

Parents of handicapped students can and should play a greater role in monitoring special education services but need greater resources and opportunities to do so. Parents of disabled students have two different roles in special education, one as members of COH's and another as individual participants in determining the appropriate educational program for their children. COH's are required by State statute to include parent members, yet their membership is neither formalized nor legitimized in New York City. The COH meets with every parent to review the assessment, recommended placement and IEP of his or her child, and a parent member of the COH should attend these conferences. The absence of a systemwide definition of the parent member's responsibilities seriously hinders the extent to which parent members play a meaningful role on the COH's.

Parents are the only COH members whose participation at each conference is not mandatory; participation can be waived by the parent whose child is the subject of the conference. COH's often have difficulty finding parents who are willing to serve as members. State law forbids their receiving a salary; the stipend offered them is nominal ($8 per half day); and the parents receive little training concerning their role. When a parent member does participate, he or she often reads the child's folder only minutes before the conference begins. Parent members, if adequately trained and prepared, could help other parents overcome the fear and mystique of special education, but the Division must legitimize the presence of a parent member on the COH if that role is to be meaningful.

Parents of children with handicaps justifiably complain that, despite the numerous forms and letters they receive, the system provides too little information as to how special education can best serve their children's needs. While the Division now has two separate offices which work with special education parents (the Office of Program Development's Community Liason Program, which conducts parent workshops, and the Office of Community Liason/Child Find, which has a parent training component), and the Board has a separate Parent Advocacy Office, the efforts of these offices appear to be insufficient to meet parents' needs and should be expanded. The need to provide more effective assistance to parents is especially acute with respect to parents of children with severe or multiple disabilities, for the needs of these students are so great. These parents require a strong advocacy unit to help them monitor the provision of services and the quality of programs for their children, and the Division should significantly increase its efforts to provide assistance to this group of parents.

V. Conclusion

As the Commission reviewed and analyzed the special education programs of the City of New York, it became apparent that the separate administration of programs discouraged the achievement of many important educational goals. While we have carefully considered the views of those who oppose increased control over special education at the local district and school level, we are firmly convinced that the system at present cannot successfully address the dire need to improve the quality of the special education programs. The road from 110 Livingston Street to the community schools is simply too long. Greater responsibilities must reside with those who are in the schools on a daily basis and have the ability to affect the education of children. If the adage is true that a strong principal and a good teacher are the necessary components to a quality education, special education students should not be deprived of half the team.

Other local school systems integrate the administration of special and regular education. Nothing we have heard or seen during our study suggests that New York City's public schools are somehow uniquely ill-suited to a more coordinated and integrated administrative approach to special and regular education. The system should change carefully toward the structure that we have outlined, but change it must.

SUGGESTED OUTLINE OF NEW ADMINISTRATIVE STRUCTURE

A. Central Board of Education and Division of Special Education should retain control over the following tasks:

1. Maintain ultimate responsibility for special education and administration of programs for severely disabled students.

2. Assure compliance with legal mandates. Conduct negotiations with the State Education Department and plaintiffs' attorneys in lawsuits involving special education.

3. Develop criteria and standards for:

    a. eligibility for special education
    b. assessment procedures
    c. placement
    d. mainstreaming
    e. decertification
    f. annual reviews and triennial reevaluations
    g. development of Individualized Education Plans
    h. allocation and use of funds
    i. educational goals and curriculum
    j. travel training

4. Specifically delineate what personnel and offices are responsible for all aspects of special education.

5. Develop accountability benchmarks and monitor all aspects of special education, including:

    a. referral rates
    b. assessment and placement decisions
    c. retention of special education students in their home district
    d. attendance rates
    e. utilization of funds
    f. provision of related services
    g. compliance with assessment and placement timelines
    h. mainstreaming
    i. decertification
    j. achievement of program goals

6. Impose sanctions if benchmarks are not met by those responsible, including:
   a. sanctions against individual personnel
   b. loss of discretionary funds
   c. if necessary, reassumption of central control

7. Improve and maintain computerized data system.

8. Establish a research office, comprised of educational experts, to:
   a. adapt or develop curriculum
   b. conduct research as necessary to improve quality of services
   c. develop assessment procedures
   d. adapt model programs which exist in other parts of the country for use in New York City's public schools.

B. Regional Offices should ultimately be phased out but until that occurs, they should retain responsibility for the following tasks:

1. Supervise Committees on the Handicapped.

2. Assist central office in collection of data and monitoring.

3. Disburse and monitor use of funds by local districts.

C. Committees on the Handicapped should be responsible for the following:

1. Assessments, evaluations, reevaluations and placements of children in special education.

2. Supervise quality of assessments, evaluations and reevaluations by School Based Support Teams in conjunction with clinical supervisors and the district special education administrator.

3. Maintain files and computerized data system for all children in special education.

4. Ensure transmittal of students' folders, including Individualized Education Plans, to schools prior to students' actual attendance.

5. Work with central office to monitor allocation of classroom space and maximum placement of special education students in their home districts.

6. Improve COH procedures for high school students in the following respects:

   a. Make SBST's in high schools accountable to high school superintendents and principals to the same extent as will occur in elementary and junior high schools.
   b. Establish one High School COH in each borough to be responsible for high school students and high school SBST's.

D. Community District Superintendents should assume responsibility for the following tasks:

1. Establish Teacher Assistance Teams in each school.

2. Recruit, hire and rate special education teachers and instructional supervisors to the same extent as regular education teachers, together with principals.

3. Coordinate regular and special education guidance counselors among schools.

4. Coordinate curriculum, with help as needed from special education experts in central Division.

5. Assign School Based Assessment Team members.

6. Train staff and provide staff development with assistance from the central office.

7. Provide coverage of special education classes.

8. Ensure the placement of a maximum number of special education students within the home district.

9. Ensure equitable allocation of space in schools for special education programs, in conjunction with the central office where necessary.

10. Ensure that special education staff are included in district meetings.

11. Rate and supervise special education clinical supervisors in conjunction with COH's.

12. Maximize attendance in special education classes.

13. Appoint assistant principals to be in charge of special education students in schools with significant special education programs, according to a reasonable formula based on the number of special education staff.

14. Ultimately allocate special education funds within districts.

15. Provision of related services.

E. Principals should be given responsibility for the following tasks:

1. Supervise Teacher Assistance Teams.

2. Maintain records on referral rates.

3. School Based Support Teams:

    a. rate, in conjunction with clinical supervisors
    b. monitor workload and schedules
    c. ensure compliance with assessment and placement timelines
    d. ensure adequate office and testing space
    e. ensure that files are maintained and transferred to COH.

4. Work with special education parent advocacy committees.

5. Coordinate teachers' schedules to facilitate interaction between regular and special education staff.

6. Ensure that special education staff are included in all staff activities and meetings and accorded the same privileges as regular education staff (such as use of telephone, distribution of information, etc.).

7. Complete special education paperwork in school.

8. Allocate necessary clerical staff for special education paperwork.
9. Coordinate mainstreaming and decertification.

APPENDIX A

APPENDIX A

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Stolfi, William F.	Assistant Principal for Special Education, John F. Kennedy High School, Bronx, New York
Talaszek, Pat	Regular education teacher, P.S. 69, Staten Island, New York
Two Special Education High School Students	John F. Kennedy High School, Bronx, New York
Weinman, Gloria	Special Assistant for Education Services, the United Federation of Teachers New York, New York
Zavala, Nivia	Director, Bilingual Special Education, New York City Board of Education, Brooklyn, New York

OPEN MICROPHONE SPEAKERS FOR THE HEARINGS

NOVEMBER 27 AND 28, 1984

Adams, Beverly	Special Education Teacher, New York City
Bertin, Phyllis	The Reading Reform Foundation, New York City
Burke, Dorothy	Community School Board 17, Brooklyn
Carlotti, Catherine	Fight Back for Children For Education, New York City
Chen, Rose	Parent from Manhattan
Ebanks, Austria	Parent; Chancellor's Advisory Committee on Special Education
Fine, Ellen	Parent from the Bronx
Fisher, Barbara	Parent; District 2 Committee on the Handicapped; New York City Organization of COH Parents
Goodwin, Betsey	Parent; Manhattan - Bronx Down's Syndrome Support Group, New York City
Johnson, Winsome	Parent Delegate; the United Parents Associations, New York City
Johnston, Joan	Parent from Manhattan
Joseph, Ann	Special Education Teacher, Brooklyn
Klinger, Lynn	Parent, Teacher; Parent/Teachers Association in District 26, Queens
Kreibich, Doris	Parent from Manhattan
Levy, Laura	Organization to Assure Services to Exceptional Children, New York City
Maxman, Roberta	Special Education Teacher, Brooklyn
Neiman, Eli	Principal, New York City Board of Education
Nuzum, Bonnie	Resources for Children with Special Needs, New York City
Oliver, Marilyn	Parent; Miriam De Soyza Learning Center, Bronx
Rosen, Fredda	Vera Institute/JOB PATH, New York City
Stoddard, Mary	Special Education Teacher, New York City
Wilkov, Sandra	Guidance Counsellor, New York City

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Jose P. v. Ambach
UCP v. Board of Education
Dyrcia v. Board of Education
and
Lora v. Board of Education

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Louisiana
Massachusetts
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Ohio
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APPENDIX B

TABLE 1

SUMMARY OF MAJOR LEGAL REQUIREMENTS IN SPECIAL EDUCATION

I. FEDERAL LAW AND REGULATIONS

- guarantee of a free appropriate public school education to children with handicapping conditions, who are between 5 and 21 years of age.
- provision of special education and related services designed to meet each individual child's unique needs.
- comprehensive, multi-disciplinary assessment in a child's native language.
- parental consent for evaluation and placement.
- development of an Individualized Education Plan (I.E.P.) with long and short term goals.
- provision of a range, or continuum, of educational options.
- placement in the least restrictive environment consistent with individual students' needs.
- triennial re-evaluations.

II. NEW YORK STATE EDUCATION LAW AND REGULATION

- establishment of Committees on the Handicapped in each local education agency to evaluate and place children.
- a psychological assessment of every child referred for possible placement.
- timelines within which to conduct evaluations and place children.
- staffing ratios and maximum class sizes.
- teacher qualifications.
- annual reviews of students' progress.
- definition of the "continuum" of services.
- issuance of "certificates" for students who fail to qualify for diplomas but who meet other requirements.

- curriculum guidelines (effective September, 1985).

III. JOSE P. v. AMBACH LAWSUIT

- creation and composition of School Based Support Teams (SBST's).
- requirements regarding outreach to parents.
- operating procedures for referral, evaluation and placement, including supplemental procedures for students with limited English proficiency.
- specific timelines for summer evaluations and placement.
- components of both a manual and automated data system.
- removal of architectural barriers.
- provision of specialized equipment.
- the unilateral right of parents to enroll their children in private school at public expense when evaluation and placement are not completed within 60 days.
- monthly documentation of: (1) the number of referrals, completed evaluations and triennials, and placements; (2) waiting lists for evaluations and placements; and (3) the number of students receiving and awaiting related services.

TABLE 2

COMPARISON OF NYC SPECIAL EDUCATION REGISTERS: FY 1974 through FY 1985

PROGRAMS	FY'74	FY'75	FY'76	FY'77	FY'78	FY'79	FY'80	FY'81	FY'82	FY'83	FY'84[1]	FY'85[1],[2]
SEVERELY HANDICAPPED (CITYWIDE/ OSIO/ NON-PUBLIC SCHOOLS)									25,452	25,457	23,042	22,391
MODERATELY HANDICAPPED (REGIONAL SELF CONTAINED PROGRAMS)									44,866	47,183	52,396	55,752
SUB-TOTAL	30,063	34,110	36,686	38,571	40,965	45,666	52,019	58,799	70,318	72,640	75,438	78,143
MILDLY HANDICAPPED (RESOURCE ROOM AND ITINERANT SPEECH)							2,325	13,850	23,190	33,332	36,564	38,158
TOTAL	30,063	34,110	36,686	38,571	40,965	45,666	54,344	72,649	93,508	105,972	112,002	116,301

1. DATA EXCLUDES LONG TERM ABSENCE (LTA) STUDENTS.
2. REGISTERS AS OF 10/31/84

SOURCE: NYC BOARD OF EDUCATION

TABLE 3

SPECIAL EDUCATION PROGRAMS IN THE NEW YORK CITY PUBLIC SCHOOLS

PROGRAMS	REGISTERS
MILD:	
RESOURCE ROOMS - LEARNING DISABLED	31,824
VISUALLY HANDICAPPED	268
HEARING HANDICAPPED	215
SPEECH (PUBLIC)	617
SPEECH (NON-PUBLIC)	497
ITINERANT SERVICES - VISUALLY HANDICAPPED	6
HEARING HANDICAPPED	153
SPEECH (PUBLIC)	2,980
SPEECH (NON-PUBLIC)	2
MODERATE:	
DELAYED LEARNER (DL)	577
EDUCABLE MENTALLY RETARDED (EMR)	2,991
TRAINABLE MENTALLY RETARDED (TMR)	993
EMOTIONALLY HANDICAPPED/EDUCABLE MENTALLY RETARDED (EH-EMR)	294
EMOTIONALLY HANDICAPPED/TRAINABLE MENTALLY RETARDED (EH-TMR)	24
HEALTH CONSERVATION/HEALTH IMPAIRED (HC-10)	534
HEALTH CONSERVATION/ORTHOPEDICALLY HANDICAPPED (HC-20)	468
HEALTH CONSERVATION/LEARNING DISABLED (HC-30)	24,254
CHILDREN WITH EMOTIONAL HANDICAPS (CEH)	7,503
NEUROLOGICALLY IMPAIRED/EMOTIONALLY HANDICAPPED (NIEH)	3,720
LEARNING CENTER II	1,376
MODIFIED INSTRUCTIONAL I (MIS I)	7,057
MODIFIED INSTRUCTIONAL II (MIS II)	2,605
SEVERE:	
MENTALLY RETARDED/MULTIPLY-HANDICAPPED (MR-MH)	460
TRACK IV (SEVERE AND PROFOUND MENTAL RETARDATION)	1,006
OCCUPATIONAL TRAINING CENTER/EDUCABLE MENTALLY RETARDED	810
OCCUPATIONAL TRAINING CENTER/TRAINABLE MENTALLY RETARDED	353
OCCUPATIONAL TRAINING CENTER/MULTIPLY-HANDICAPPED	141
ADULT SKILLS TRAINING CENTER (ASTC)	621
HEALTH IMPAIRED/FRACTURES (HI-FRAC)	367
HEALTH IMPAIRED/PHYSICAL HANDICAPS (HI-PHYS)	1,050
HEALTH IMPAIRED/EMOTIONAL HANDICAPS (HI-EH)	398
HEALTH IMPAIRED/NON-EMOTIONAL HANDICAPS (HI-NON-EH)	62
SCHOOL FOR CAREER DEVELOPMENT (SCD)	871
TEACHER MOMS (TCH-MOM)	1,984
AUTISTIC	645
DAY SCHOOLS/EMOTIONALLY HANDICAPPED (DS-EH)	681
BLIND AND VISUALLY HANDICAPPED (VH)	44
VISUALLY HANDICAPPED/MULTIPLY-HANDICAPPED (VH-MH)	200
JUNIOR HIGH SCHOOL 47 FOR THE DEAF	362
SCHOOL FOR LANGUAGE HEARING IMPAIRED CHILDREN (SLHIC)	1,892
HEARING HANDICAPPED/HIGH SCHOOL (HH-HS)	258
DIAGNOSTIC CENTER	30
CENTERS FOR THE MULTIPLY-HANDICAPPED (CMHC)	735
HOSPITAL SCHOOLS	652
RESIDENTIAL TREATMENT	791
DAY TREATMENT	2,372
PSYCHIATRIC HOSPITAL	453
CORRECTIONAL INSTITUTIONS	101
NON-PUBLIC SCHOOLS:	4,288
OTHER (4407, PENDING, AND FAMILY COURT):	1,410
TOTAL	112,002

SOURCE: NYC BOARD OF EDUCATION - ACTIVE REGISTERS AS OF 6/84

TABLE 4

COMPARISON OF TOTAL PUBLIC SCHOOL AND SPECIAL EDUCATION ENROLLMENTS OF SELECTED U. S. MAJOR CITIES: FY '80 AND FY '85

	Total Public School Enrollment		Special Education Enrollment		% Special Education Enrollment		% Change	
CITY	FY '80	FY '85	FY '80	FY '85	FY '80	FY '85	FY '80	FY '85
New York	963,048	931,847	54,344	116,301	5.6%	12.5%		+6.9%
Baltimore	136,187	111,445	23,544	18,309	17.3%	16.4%		-0.9%
Boston	65,091	57,400	11,996	12,000	18.4%	20.9%		+2.5%
Buffalo	49,235	46,042	6,257	8,813	12.7%	19.1%		+6.4%
Chicago	458,497	431,226	37,273	33,192	8.7%	7.7%		-1.0%
Cincinnati	53,800	51,531	3,208	3,350	6.0%	6.5%		+0.5%
Columbus	77,608	67,661	7,112	7,197	9.2%	10.6%		+1.4%
Dallas	145,592	127,609	10,568	12,766	7.3%	10.0%		+2.7%
Denver	63,320	58,000	4,640	4,692	7.3%	8.1%		+0.8%
Detroit	211,825	196,183	10,789	11,461	5.1%	5.8%		+0.7%
Houston	193,907	187,031	20,000	15,673	10.3%	8.4%		-1.9%
Los Angeles	545,871	565,570	45,036	47,673	8.3%	8.4%		+0.1%
Miami (Dade County)	226,155	227,906	22,501	22,721	9.9%	10.0%		+0.1%
Milwaukee	91,943	89,879	8,716	8,985	9.5%	10.0%		+0.5%
Minneapolis	41,051	37,520	4,673	4,090	11.4%	10.9%		-0.5%
Newark	61,902	54,844	6,000	6,949	9.7%	12.7%		+3.0%
New Orleans	87,087	85,000	10,858	10,932	12.5%	12.9%		+0.4%
Philadelphia	228,295	200,606	21,201	24,015	9.3%	12.0%		+2.7%
Pittsburgh	48,795	40,257	6,840	5,956	14.0%	14.8%		+0.8%
Portland (Ore)	53,670	50,986	3,104	4,875	5.8%	9.6%		+3.8%
San Diego	112,124	111,957	9,734	11,500	8.7%	10.3%		+1.6%
St. Louis	67,386	53,000	8,132	6,700	12.1%	12.6%		+0.5%

SOURCE: INDIVIDUAL CITY SCHOOL DISTRICTS.

TABLE 5

COMPARISON OF REGULAR EDUCATION TEAMS IN SELECTED LOCATIONS

LOCATION	TEAM TITLE AND DESCRIPTION	COMPOSITION	PURPOSE
STATE OF MARYLAND	"TEACHER ASSISTANCE TEAMS" - 1 team per school - funded through Chapter 2 moneys - teams cut referral rate to Special Education	- 3 regular education teachers elected by teachers in the school to serve on teams - "Special educator" on team; other specialists available as needed	- focus on modifying teaching and learning strategies as opposed to the child as a "problem" - assist regular education teachers in meeting needs of regular education students as well as special education students being mainstreamed - compile all information on a "Student Profiling Chart" which clearly organizes data to facilitate determination of recommendations
SELECT CITIES IN CALIFORNIA	"CHILD STUDY TEAMS" - 1 team per school - funded by regular education budget	- principal - regular education teacher - special education teacher - psychologist, nurse, language specialist - guidance counselor, if available	- recommend changes ranging from modifying teaching and learning techniques to moving child to a new class with another teacher - special emphasis is given to meeting the needs of bi-lingual students

TABLE 5 (CON'T)

COMPARISON OF REGULAR EDUCATION TEAMS IN SELECTED LOCATIONS (cont'd)

LOCATION	TEAM TITLE AND DESCRIPTION	COMPOSITION	PURPOSE
STATE OF LOUISIANA	"BUILDING LEVEL COMMITTEE" - 1 committee per school - funded by regular education budget - 1 intervention required by teacher prior to referral to committee; 2 interventions by committee required before student may be formally tested	- principal or designee - regular education teacher - specialists, available as needed	- modify curriculum - recommend modifications in teaching techniques - refer student for remediation or counseling
HOUSTON, TEXAS	"CAMPUS REFERRAL COMMITTEE" - 1 committee per school - funded by regular education budget	- principal - nurse, guidance counselor, other specialists - referring teacher - any other staff member familiar with the student	- review all records - recommend modifications in class - make referral to a non-special education program (e.g., remedial reading, bilingual, etc.)
SYRACUSE, NEW YORK	"PUPIL SERVICE TEAM" - 1 team per school - funded by regular education budget	- principal - regular education teacher - special education teacher - social worker - remediation specialist - nurse	- recommend changes in reading and other academic programs - recommend guidance or other services provided by outside agencies

TABLE 6

COMPARISON OF THE ETHNIC CENSUS OF PROGRAMS FOR CHILDREN WITH EMOTIONAL HANDICAPS (CEH) AND THE EDUCABLE MENTALLY RETARDED (EMR) IN NEW YORK CITY PUBLIC AND NON-PUBLIC SCHOOLS: 1979 and 1983[1]

	% HISPANIC		% BLACK		% WHITE	
	1979	1983	1979	1983	1979	1983
SYSTEMWIDE ETHNIC COMPOSITION	33%	35%	38%	37%	26%	23%
PROGRAMS						
CEH:						
PUBLIC	30%	30%	51%[2]	53%[2]	18%	17%
PRIVATE	13%	N.A.	33%	N.A.	54%[2]	N.A.
TOTAL	26%	---	47%	---	26%	---
EMR:						
PUBLIC	36%	37%	47%	46%	16%	15%
PRIVATE	20%	N.A.	31%	N.A.	49%	N.A.
TOTAL	33%	---	43%	---	23%	---

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[1] NO PRIVATE SCHOOL ETHNIC CENSUS DATA IS AVAILABLE (N.A.) FOR 1983 SINCE THE BOARD OF EDUCATION HAS NOT UNDERTAKEN ANY FOLLOW-UP STUDIES TO DETERMINE THE ETHNIC CENSUS OF PUBLIC VERSUS PRIVATE SCHOOLS SINCE 1979.

[2] INDICATES OVERREPRESENTATION OF AN ETHNIC GROUP BY 10% OR MORE IN COMPARISON TO ITS INCIDENCE IN THE TOTAL POPULATION

SOURCE: NYC BOARD OF EDUCATION

TABLE 7

COMPARISON OF THE ETHNIC CENSUS OF SELECTED SPECIAL EDUCATION PROGRAMS TO THE ETHNIC COMPOSITION OF NYC'S ELEMENTARY AND JHS POPULATION

	TOTAL ELEMENTARY AND JHS POPULATION	% ASIAN	% HISPANIC	% BLACK	% WHITE
SYSTEMWIDE	637,081	5%	35%	37%	23%
HC30	22,403	1%	39%	44%	16%
NIEH	4,385	0.5%	32%	56%*	11%
CEH	7,102	0.5%	30%	53%*	17%
EMR	4,129	1%	37%	46%	15%
SLHIC	1,427	2%	66%*	24%	7%
DAY SCHOOL	607	0.5%	29%	65%*	5%
DAY TREATMENT	2,314[1]	0.5%	33%	51%	16%
RESOURCE ROOM	21,304[2]	2%	30%	37%	31%

---

* INDICATES OVERREPRESENTATION OF AN ETHNIC GROUP BY 10% OR MORE IN COMPARISON TO ITS INCIDENCE IN THE TOTAL POPULATION.

[1] INCLUDES HIGH SCHOOL AGE STUDENTS.

[2] THIS NUMBER REFLECTS THE RESOURCE ROOM POPULATION FOR WHOM ETHNIC DATA WAS AVAILABLE. AN ADDITIONAL 5,810 RESOURCE ROOM STUDENTS WERE ON REGISTERS CITYWIDE WHO WERE DESIGNATED "OTHER" BY THE BOARD OF EDUCATION. WE ARE ASSUMING THAT SINCE "OTHER" WAS DESIGNATED WHEN A TEACHER NEGLECTED TO INDICATE A STUDENT'S ETHNICITY THAT THIS SITUATION OCCURRED RANDOMLY ACROSS THE TOTAL RESOURCE ROOM POPULATION. THEREFORE, ELIMINATING THIS CATEGORY SHOULD NOT SIGNIFICANTLY ALTER THE ETHNIC CENSUS OF THE RESOURCE ROOM POPULATION.

TABLE 8

COMPARISON OF THE ETHNIC CENSUS OF DAY SCHOOLS TO THE ETHNIC COMPOSITION OF NYC'S PUBLIC SCHOOL POPULATION

	TOTAL PUBLIC SCHOOL POPULATION	% HISPANIC	% BLACK	% WHITE
SYSTEMWIDE ETHNIC COMPOSITON	924,842	33%	38%	24%
DAY SCHOOL CENSUS:				
ELEMENTARY	149	34%	50%*	15%
SECONDARY	458	27%	71%*	2%
TOTAL	607	29%	66%*	5%

---

* INDICATES OVERREPRESENTATION OF AN ETHNIC GROUP BY 10% OR MORE IN COMPARISON TO ITS INCIDENCE IN THE TOTAL POPULATION.

SOURCE: NYC BOARD OF EDUCATION - REGISTERS AS OF 10/31/83.

TABLE 9

COMPARISON OF THE ETHNIC CENSUS OF THE DAY SCHOOL POPULATION: 1977 and 1983*

	TOTAL PROGRAM POPULATION		% HISPANIC		% BLACK	
	1977	1983*	1977	1983	1977	1983
DAY SCHOOL CENSUS:						
ELEMENTARY	1,057	796	25%	31%	71	45%
SECONDARY	1,037	2,125	25%	32%	70%	58%
TOTAL	2,094	2,921	25%	32%	70%	54%

---

* 1983 DATA INCLUDES THE DAY TREATMENT PROGRAM POPULATION SINCE THIS WAS NOT A SEPARATE PROGRAM IN 1977.

SOURCE: 1977 - LORA vs. BD. OF ED. OF CITY OF NEW YORK, 456 F. SUPP. [1211, 1221 (E.D.N.Y. 1979).]

1983 - NYC BOARD OF EDUCATION - REGISTERS AS OF 10/31/83.

TABLE 10

COMPARISON OF THE ETHNIC CENSUS OF SELECTED SPECIAL EDUCATION PROGRAMS TO THE ETHNIC COMPOSITION OF NYC SCHOOL DISTRICTS

DIS-TRICT	TOTAL DISTRICT POPU-LATION	% HIS-PANIC	% BLACK	% WHITE	HC 30			NIEH			CEH			EMR			Resource Room		
					% H	% B	% W	% H	% B	% W	% H	% B	% W	% H	% B	% W	% H	% B	% W
1	11,057	74%	14%	3%	82%	14%	3%	88%	10%	2%	76%	22%	2%	69%	24%*	-%	79%	18%	2%
2	17,737	25%	14%	28%	51%*	21%	19%	62%*	28%*	9%	34%	30%*	28%	46%*	21%	22%	39%*	18%	29%
3	12,489	39%	50%	9%	54%*	43%	3%	36%	64%	-%	30%	61%*	3%	37%	56%	7%	39%	53%	7%
4	14,121	60%	35%	5%	67%	30%	3%	66%	32%	1%	46%	45%*	9%	72%*	24%	3%	60%	37%	2%
5	11,407	18%	82%	-%	17%	83%	-%	10%	90%	-%	9%	91%	1%	9%	91%	-%	20%	80%	-%
6	20,387	78%	18%	3%	66%	28%*	6%	40%	55%*	4%	66%	44%*	-%	67%	33%*	-%	73%	21%	5%
7	14,642	67%	33%	-%	67%	32%	-%	60%	40%	1%	52%	48%*	-%	64%	36%	-%	63%	37%	-%
8	21,184	54%	32%	13%	61%	32%	7%	54%	42%*	4%	38%	52%*	10%	40%	35%	25%*	48%	34%	18%
9	27,418	50%	48%	1%	50%	50%	-%	41%	59%*	-%	43%	59%*	-%	50%	50%	-%	39%	58%*	27%
10	33,126	57%	26%	12%	59%	24%	15%	64%	31%	5%	57%	38%*	5%	65%	23%	11%	53%	29%	17%
11	21,725	27%	50%	20%	28%	52%	19%	30%	59%	11%	23%	59%	16%	22%	62%*	16%	24%	47%	28%
12	16,376	69%	30%	1%	71%	28%	1%	51%	46%*	2%	55%	40%*	2%	70%	30%	-%	64%	35%	1%
13	16,912	17%	81%	2%	19%	81%	-%	11%	89%	-%	14%	85%	-%	11%	89%	-%	19%	79%	2%
14	18,754	69%	21%	8%	69%	25%	5%	59%	36%*	5%	68%	26%	6%	64%	30%	5%	68%	25%	7%
15	20,596	60%	16%	21%	66%	19%	14%	71%*	19%	10%	61%	23%	16%	57%	22%	20%	60%	18%	21%
16	11,109	11%	89%	-%	12%	88%	-%	7%	93%	-%	11%	88%	1%	16%	83%	1%	7%	92%	-%
17	25,911	11%	87%	1%	9%	91%*	-%	3%	97%	-%	4%	96%	-%	9%	88%	3%	9%	91%	1%

					HC 30			NIEH			CEH			EMR			Resource Room		
DIS-TRICT	TOTAL DISTRICT POPU-LATION	% HIS-PANIC	% BLACK	% WHITE	% H	% B	% W	% H	% B	% W	% H	% B	% W	% H	% B	% W	% H	% B	% W
18	17,679	7%	66%	25%	8%	78%	13%	2%	90%*	8%	8%	78%*	13%	19%	72%	7%	8%	64%	27%
19	24,436	44%	49%	6%	42%	50%	7%	33%	64%*	4%	31%	64%*	4%	35%	63%	1%	41%	50%	8%
20	23,259	26%	9%	56%	33%	9%	55%	41%*	25%*	33%	41%*	8%	52%	30%	16%	53%	25%	9%	64%
21	20,368	17%	22%	55%	28%*	34%*	37%	26%	46%*	27%	24%*	45%*	31%	26%	47%*	21%	14%	22%	62%
22	23,962	11%	37%	47%	18%	52%*	29%	12%	62%*	26%	10%	63%*	28%	16%	55%*	25%	9%	33%	57%*
23	12,652	18%	82%	-%	15%	84%	-%	9%	91%	-%	9%	91%	-%	13%	87%	-%	14%	85%	-%
24	24,819	38%	9%	38%	45%	7%	46%	38%	15%	47%	37%	9%	53%	42%	14%	40%	31%	12%	54%
25	20,276	15%	13%	51%	25%	16%	56%	25%*	29%*	47%	13%	31%*	55%	18%	21%	49%	16%%	19%	67%*
26	12,384	7%	18%	63%	21%*	33%*	47%	9%	55%*	36%	13%	40%*	47%	16%	38%*	41%	6%%	28%*	60%
27	27,929	17%	42%	37%	20%	52%*	27%	13%	72%*	15%	9%	73%*	18%	20%	50%	28%	12%	39%	48%*
28	20,578	22%	44%	23%	22%	68%*	7%	13%	83%*	4%	13%	7%9%*	7%	15%	71%*	10%	23%	48%	23%
29	21,660	13%	72%	12%	8%	87%*	4%	3%	97%*	-%	8%	91%*	1%	7%	90%*	3%	11%	70%	17%
30	22,053	33%	18%	35%	41%	27%	29%	18%	61%*	20%	23%	52%*	22%	43%*	25%	25%	36%	25%	37%
31	32,283	7%	13%	78%	12%	27%*	61%	11%	46%*	42%	14%	38%*	49%	9%	25%*	67%	7%	16%	76%
32	16,659	70%	27%	3%	74%	24%	2%	72%	28%	-%	64%	34%	3%	65%	31%	4%	69%	26%	5%

* INDICATES OVERREPRESENTATION OF AN ETHNIC GROUP BY 10% OR MORE IN COMPARISON TO ITS INCIDENCE IN THE TOTAL POPULATION

SOURCE: NYC BOARD OF EDUCATION-REGISTERS AS OF 10/31/83

TABLE 11

COMPARISON OF THE ETHNIC CENSUS OF THE SLHIC PROGRAM TO THE ETHNIC COMPOSITION OF NYC'S PUBLIC SCHOOL POPULATION

	TOTAL PUBLIC SCHOOL POPULATION	% HISPANIC	% BLACK	% WHITE
SYSTEMWIDE ETHNIC COMPOSITION	924,842	33%	38%	24%
SLHIC CENSUS				
ELEMENTARY	952	61%*	27%	9%
SECONDARY	475	77%*	18%	4%
TOTAL	1,427	66%*	24	7%

---

* INDICATES OVERREPRESENTATION OF AN ETHNIC GROUP BY 10% OR MORE IN COMPARISON TO ITS INCIDENCE IN THE TOTAL POPULATION.

SOURCE: NYC BOARD OF EDUCATION - REGISTERS AS OF 10/31/83.

TABLE 12

An outline of some suggested approaches to pre-service and in-service curriculum in university and college special and general education departments:

1. The development of interdepartmental or multi-discipline approaches to special education, for example, pairing special education courses in:
    - a. early childhood development
    - b. secondary academic education
    - c. administration
    - d. bilingual education
    - e. vocational education
2. For all teachers, emphasis on:
    - a. "normal" versus "deviant" behavior
    - b. Cultural differences in behavior patterns
    - c. classroom and behavior management techniques
    - d. continuous progress assessment
    - e. individualized instruction
    - f. curriculum, adapting curriculum and adaptive teaching techniques
3. For educational evaluation and school psychologists:
    - a. classroom observation techniques
    - b. teacher training and consultation for educational and clinical assistance
    - c. educational assessment
4. For educational evaluators:

    Training in the administering and analysis of educational tests
5. For members of School Based Support Teams and Committees on the Handicapped:

    Training in the interdisciplinary functioning of Committees on the Handicapped.

TABLE 13

COMPARISON BY STATE OF SPECIAL EDUCATION POPULATION: RESOURCE ROOM vs. SELF-CONTAINED AND SEPARATE SCHOOL ENVIRONMENT

	Total Special Education Population				Learning Disabled				Emotionally Disabled			
STATE	Total	RR[1]	SC[2]	SS[3]	Total	RR[1]	SC[2]	SS[3]	Total	RR[1]	SC[2]	SS[3]
New York	232,000	43%	40%	17%	30%	79%	15%	6%	20%	2%	66%	22%
California	340,000	70%	29%	1%	56%	71%	28%	1%	3%	12%	66%	22%
Louisiana	76,000	61%	27%	12%	36%	70%	25%	5%	6%	14%	65%	21%
Massachusetts	127,000	79%	16%	5%	35%	80%	16%	4%	14%	79%	16%	5%
Minnesota	71,000	83%	14%	3%	49%	95%	4%	0.5%	7%	45%	34%	21%
Ohio	202,000	61%	31%	8%	35%	84%	15%	0.5%	3%	3%	44%	53%
Texas	252,000	79%	14%	7%	55%	90%	9%	1%	6%	41%	40%	19%
Wisconsin	63,000	51%	48%	1%	43%	68%	32%	0%	14%	18%	83%	0%
National	4,000,000	70%	25%	5%	40%	81%	18%	1%	9%	44%	40%	16%

1. RESOURCE ROOM
2. SELF-CONTAINED CLASS
3. SEPARATE SCHOOL

SOURCE: SIXTH ANNUAL REPORT TO CONGRESS ON IMPLEMENTATION OF PL 94-142, U.S. DEPT OF EDUCATION

TABLE 14

COMPARISON OF MAXIMUM ALLOWABLE CLASS SIZE AND TOTAL TEACHER LOAD FOR RESOURCE ROOMS IN SELECTED MAJOR U.S. CITIES

CITY	MAXIMUM CLASS SIZE/SESSION	MAXIMUM TEACHER/LOAD
NEW YORK	5	20
BALTIMORE	NO LIMIT	60 [20/30][1]
BOSTON	8 (or 10 with approval)	--
CHICAGO	NO LIMIT	20
DALLAS	10	24 [30][2]
HOUSTON	15	35
LOS ANGELES	12	28
NEW ORLEANS	10	27
PHILADELPHIA	20[3]	30
SAN DIEGO	NO LIMIT	24
SAN FRANCISCO	NO LIMIT	28

---

[1] 60 IS THE MAXIMUM CASELOAD FOR TEACHERS OF "LEVEL II" STUDENTS (i.e., THOSE WHO RECEIVE 1 HOUR/DAY OF INSTRUCTION); TEACHERS OF 20 or 30 WITH AN AIDE, IS THE MAXIMUM CASELOAD FOR "LEVEL III" STUDENTS (i.e., THOSE WHO RECEIVE 2-3 HOURS/DAY OF INSTRUCTION).

[2] 24 IS THE MAXIMUM CASELOAD FOR TEACHERS OF GRADES K-6; 30 IS THE MAXIMUM CASELOAD FOR TEACHERS OF GRADES 7-12.

[3] THIS IS AN UPPER LIMIT; CLASS SIZE IS DETERMINED BY THE SEVERITY OF THE STUDENT'S HANDICAPS.

SOURCE: INDIVIDUAL CITY SCHOOL DISTRICTS

TABLE 15

COMPARISON OF DECERTIFICATION AND MOVEMENT OF SPECIAL EDUCATION STUDENTS: FY '83 AND FY '84

	FY'83			FY '84		
	PROGRAM REGISTERS	STUDENTS MOVED	% OF PROGRAM REGISTER	PROGRAM REGISTERS	STUDENTS MOVED	% OF PROGRAM REGISTER
DECERTIFICATION FROM SPECIAL EDUCATION						
FROM: RELATED SERVICES	N.A.*	135	N.A.*	60,660	711	1%
FROM: RESOURCE ROOM	29,732	903	3%	33,421	1,453	4%
FROM: SELF-CONTAINED (REGIONAL & CITYWIDE)	60,412	252	0.5%	63,483	498	1%
TOTAL DECERTIFIED (RESOURCE ROOM AND SELF-CONTAINED)	90,144	1,155	1.5%	96,910	1,951	2%
MOVEMENT TO LESS RESTRICTIVE ENVIRONMENT						
FROM: SELF-CONTAINED REGIONAL TO: RESOURCE ROOM	49,418	1,418	3%	52,396	1,430	3%
FROM: SELF-CONTAINED CITYWIDE TO: SELF-CONTAINED REGIONAL	10,994	1,062	10%	11,093	1,300	12%
TOTAL MOVEMENT TO A LESS RESTRICTIVE ENVIRONMENT	90,144	2,480	3%	96,910	2,730	3%
MOVEMENT TO MORE RESTRICTIVE ENVIRONMENT						
FROM: RESOURCE ROOM TO: SELF-CONTAINED REGIONAL	29,732	2,116	7%	33,421	1,915	6%
FROM: SELF-CONTAINED REGIONAL TO: SELF-CONTAINED CITYWIDE	49,418	1,895	4%	52,396	1,350	3%
TOTAL MOVEMENT TO A MORE RESTRICTIVE ENVIRONMENT	90,144	4,001	4.5%	96,910	2,265	3.5%

---

* DATA NOT AVAILABLE

SOURCE: NYC BOARD OF EDUCATION

TABLE 16

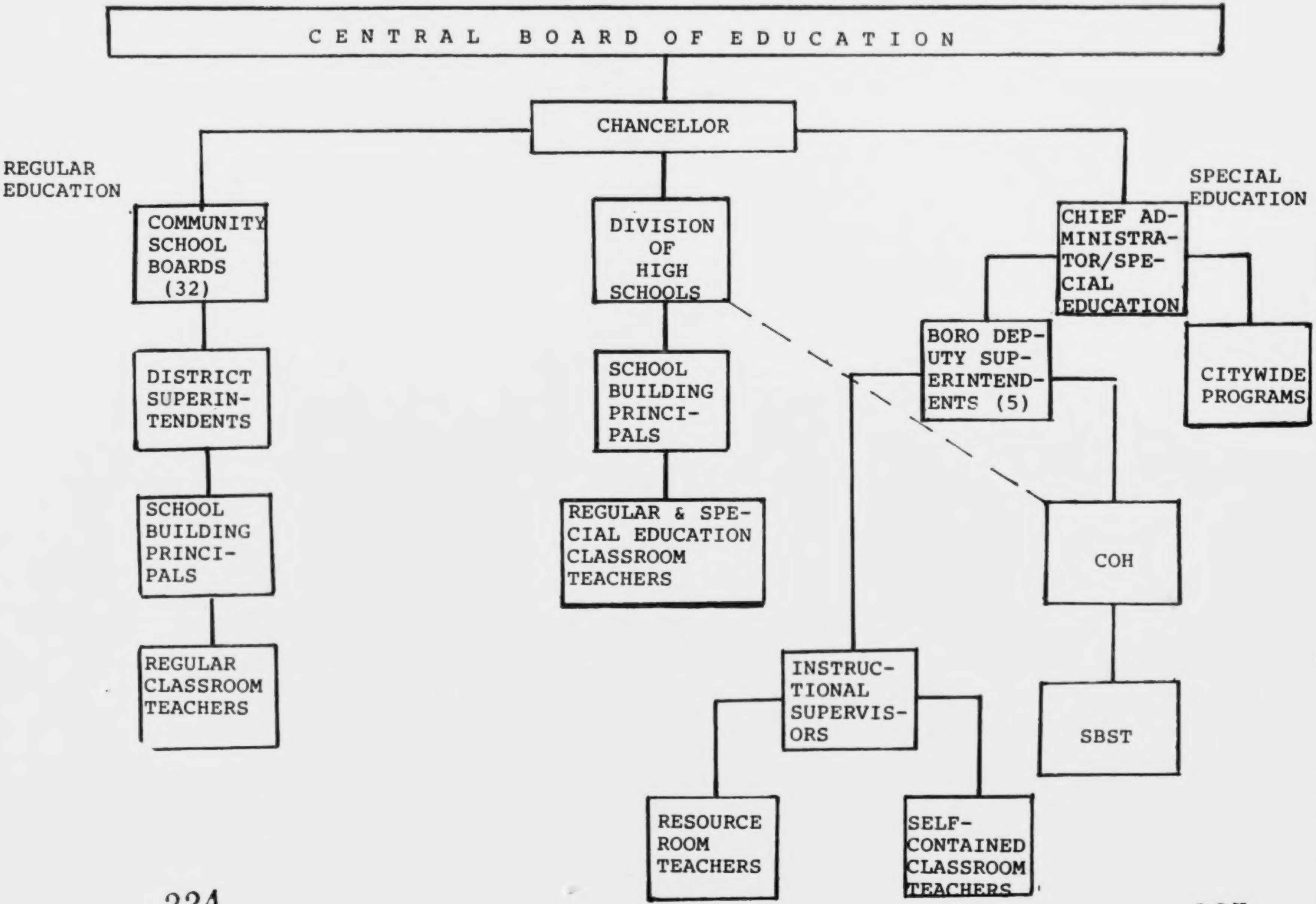
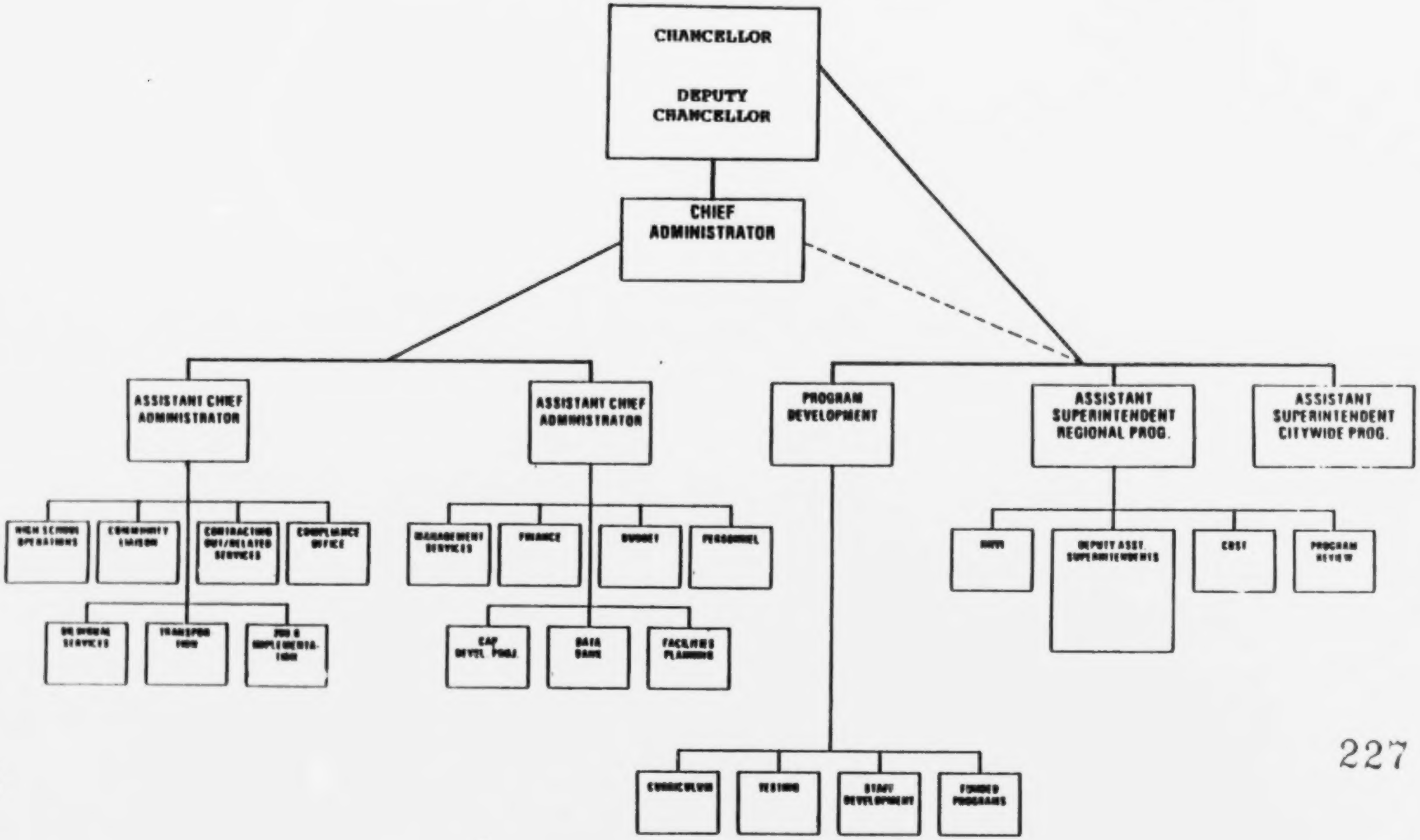

CENTRAL BOARD OF EDUCATION
CHANCELLOR
REGULAR EDUCATION
SPECIAL EDUCATION
COMMUNITY SCHOOL BOARDS (32)
DISTRICT SUPERINTENDENTS
SCHOOL BUILDING PRINCIPALS
REGULAR CLASSROOM TEACHERS
DIVISION OF HIGH SCHOOLS
SCHOOL BUILDING PRINCIPALS
REGULAR & SPECIAL EDUCATION CLASSROOM TEACHERS
CHIEF ADMINISTRATOR/SPECIAL EDUCATION
BORO DEPUTY SUPERINTENDENTS (5)
CITYWIDE PROGRAMS
COH
SBST
INSTRUCTIONAL SUPERVISORS
RESOURCE ROOM TEACHERS
SELF-CONTAINED CLASSROOM TEACHERS

TABLE 17

DIVISION OF SPECIAL EDUCATION
ORGANIZATION CHART (AS OF MAY 31, 1984)



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REPORT TO THE MAYOR'S COMMISSION ON SPECIAL EDUCATION ON COH PRACTICES IN NEW YORK CITY

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Table of Contents

Introduction 1

Section I. Who are the Children and Why are They Referred? 2

Section II. How Children are Classified 11

Section III. Identifying Learning Disabled Children 26

Section IV. COH Practices at the District Level 28

Section V. Bilingual Testing and Related Service Recommendations 31

Section VI. Summary and Recommendations 33

REPORT TO THE MAYOR'S COMMISSION ON SPECIAL EDUCATION ON COH PRACTICES IN NEW YORK CITY

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Dept. of Educational Psychology
New York University

This narrative reports the research on COH practices that has been conducted during a three month period. The research had three primary and several secondary concerns. The first of the primary concerns was with the relationship between reasons children are referred to the Committee on the Handicapped (COH) and the battery of psychological and educational tests administered to them. The second major concern was with the relationship between the scores that children attain on psychological and educational tests and the special education placement classification recommended by COH. Only four special education placement options were considered: neurologically impaired-emotionally handicapped (NIEH): emotionally handicapped (CEH): learning disabled (HC30): and resource room placement. A fifth group of children who were evaluated and found ineligible to receive special education services was also included. The third primary concern of the research involved the relationship between the children's test scores and the number and kind of annual goals and related service recommendations that appear on their IEP's.

The report is divided into five data-based sections, the first being primarily descriptive, the second being primarily correlational, the third dealing with the identification of children as learning disabled, the fourth devoted to differences in COH practices among the districts sampled, and the fifth concerned with bilingual assessment and related service recommendations. The final section offers a summary of findings and recommendations.

With respect to the first section, it begins with a description of the sample of children who are referred to COH for special education assessment. Then, a description of the reasons for their referral appears. This is followed by a comparison of the reasons for referral of different groups of children, such as boys and girls, or children of different ethnic groups. The final part of the first section describes the tests that are administered to the children. In most parts of this report, descriptive and comparative data regarding children referred are presented for four factors: gender, ethnicity, grade level at the time of referral, and reason for referral.

The second section reports test scores that children obtain, and how these scores affect their special education classification. Also, the relationship between test scores and the number of annual goals that COH formulates for children is presented, as is the relationship between the number of tests administered to children and the number of annual goals generated on their behalf.

The third data-based section attempts to determine whether children diagnosed as learning disabled, that is, children recommended for placement in either HC30 or resource room programs, fall within the general guidelines for the definition of learning disabilities --that a severe discrepancy exists between ability and achievement, or that considerable variability exists in test performance.

The fourth section is devoted to a description of the test battery administered in each district, with similarities and differences in test administration practices among districts being highlighted. Test scores and annual goals that are formulated within each district are also presented.

The fifth section presents additional analyses, especially regarding bilingual testing for children whose primary language is Spanish, as well as analyses concerning recommendations for related service.

The five data-based sections are followed by a concluding section in which a summary of the major findings is presented and a listing of recommendations is provided.

SECTION I. WHO ARE THE CHILDREN AND WHY ARE THEY REFERRED?

In this section, the characteristics of children who are referred to COH are described, as are the reasons why they are referred. In addition, the tests that are administered by the COH as part of the assessment practices are also described.

Sampling Procedures for the Study. Twelve districts were sampled for this study, with the following two constraints: All five educational regions established by the Board of Education were to be represented as well as a range of socioeconomic statuses. Within each district approximately 65-75 children were sampled by having each COH chair pull 120 records fitting the following characterstics: children who were initially referred during the past 12 months (between approximately November, 1983 and November, 1984); between the ages of approximately 8 and 13; and whose eventual classification was either NIEH, CEH, HC30, Resource room, or ineligible for special education. Sixty-five to 75 records were then randomly selected by the research team from among the 120 pulled by the district COH. In actual fact, somewhat less than the desired number of records was obtained, with a substantial reduction occurring in three of the twelve districts. In one of the districts (#29), the data collector did not have sufficient time available in her schedule to permit her to transcribe the 65 to 75 cases. In a second district (#6) the data collector became ill, and when she recovered and attempted to complete her assignment, records were misfiled and could not be located in time. In a third district (#27), the data collectors noted the poor organization of files and the inability of the COH to obtain records that fell within the parameters imposed on sample selection. Specifically, children who were initially referred during the prior 12 months could not be easily located in this latter district.

A listing of each district and the number of records reviewed appears on the following page:

District #	Number of records reviewed
2	72
6	37
7	67
10	71
11	67
19	65
21	69
22	62
27	57
28	65
29	50
31	70
Total	752

(Note: 6 records were not included above because of faulty District identification or key punch errors. The entire sample is 758 children.)

Children participating in the sample. Of the 758 children in the sample, 68% are boys and 32% girls. The ethnic group distribution of the sample for the 614 cases (81%) for whom data are available is as follows: 20% white, 39% black, 37% Hispanic, 2% Asian, and 2% other (e.g., Indian). In excess of 91% are enrolled in elementary schools, and slightly under 5% and 3% are enrolled in intermediate schools and junior high schools, respectively. More precise data on grade level at referral are as follows:

Grade level at referral	Percentage of sample referred
1st	12%
2nd	27%
3rd	20%
4th	18%
5th	10%
6th	8%
7th	4%
8th	1%

The Gender X Ethnic Group breakdown of the sample reveals a consistent ratio of boys to girls for each ethnic group:

Gender X Ethnic Group

	White	Black	Hispanic	Asian
Boys	68%	65%	70%	69%
Girls	32%	35%	30%	31%
Totals	100%	100%	100%	100%

The Gender X Grade level breakdown of the sample is as follows:

Grade Level X Gender

Grade level	Boys	Girls	Number of Children
1st	71%	29%	90
2nd	70%	30%	196
3rd	70%	30%	152
4th	67%	33%	132
5th	66%	34%	76
6th	58%	42%	62
7th	71%	29%	28
8th	75%	25%	8

Finally, the Grade level by Ethnic group breakdown appears below:

Grade Level X Ethnic Group

Grade level	White	Black	Hispanic
1st	8%	16%	13%
2nd	26%	33%	29%
3rd	19%	19%	22%
4th	19%	18%	20%
5th	10%	8%	10%
6th	8%	8%	7%

7th	6%	4%	2%
8th	4%	0%	0%
	100%	100%	100%

The most notable aspect of the sample referred is that black children are about 50% more likely than white children to be referred during the first and second grades (34% v. 49% for whites and blacks, respectively). Otherwise, there are few differences in referrals by gender, ethnicity, or grade level, other than in the case of grade level, where there is a steady decrease from the second grade onward.

With respect to language background, 79% of the children speak English as their dominant language, followed by 15% for whom Spanish is the dominant language. The remaining 6% represent a smattering of many other languages, not one of which by itself accounts for more than 0.5%.

Fifty-three percent of the children for whom data are available were held back in regular education prior to their being referrred to the COH. Eighty-eight percent of the children for whom data are available had seen a guidance counsellor prior to being referred. Other descriptors of the sample include the fact that at one time or another: 13% were in the Gates program, 12% participated in a bilingual program, 7% were in ESL, 40% in Chapter I, and 13% were in PSEN.

Information from the records at the time of referral indicates that in more than 95% of the cases, teachers report that an attempt had been made to retain the child in regular education. By far, the most frequently cited attempt to retain youngsters in general education is home contact (80%), followed by contact with the school administration (20%), use of an aide with the child (7%), change in the curriculum materials that were being used (6%), and change of teacher (4%). Other attempts to retain the youngster in regular education, such as peer tutoring or developing a behavior management program are used less often. The numbers do not tally to 100% because several approaches could have been employed with one youngster.

Referrals and their Reasons

Information regarding reasons for referral to the COH was obtained from teachers' narrative descriptions as recorded on the Referral to the COH form that is supposed to accompany all teacher-made referrals. When this form was omitted from the file, most frequently when the referral was initiated by a parent, the information was obtained elsewhere, usually from the social workers' report. In all, reason for referral data were available for 97% of the sample. The simplest and most reliable coding of these data involves two categories: poor academic performance and inappropriate behavior. The combination of these two indices results in three possible reasons for referral: (1) poor academic performance without inappropriate behavior; (2) inappropriate behavior without poor academic performance, and: (3) both poor academic performance and inappropriate behavior.

Overall, 54% of the entire sample was referred exclusively for academic reasons, 10% exclusively for behavioral reasons, and 35% for a combination of academic and behavioral reasons. Combining the data, 89% of the children exhibit poor academic performance in the classroom, while 45% exhibit inappropriate behavior. Thus, children are twice as likely to be referred for academic performance as for inappropriate behavior. To the extent these data reflect teachers' real concerns with children, they suggest that additional remedial reading teachers may be the most important requirement for the school system in its attempt to reduce special education referrals; additional guidance counselors are also necessary, but perhaps less so than reading teachers.

The reasons why children are referred by their classroom teachers (academic, behavior, both) are examined as they relate to a variety of child characteristics, most notably gender, ethnic group membership, and grade level at the time of referral. Each of these three factors is presented at this time.

Gender. One of the most common occurrences in the field of special education is the overrepresentation of boys. Most professionals attribute this fact to the greater degree of behavioral infractions that boys are perceived to exhibit. As can be noted in the table below, the conventional wisdom on this point is accurate. Misbehavior is not the sole determinant of boys' greater numbers in special education, however. More data on this point will be introduced later. Suffice it to indicate now that, indeed, boys' behavior is perceived to differ from girls'.

Reasons for Referral X Gender

Gender	Reasons for Referral		
	Academic	Behavior	Both
Boys	47%	13%	40%
Girls	71%	6%	23%

The data in the table above reveal that almost twice as many boys as girls (53% v. 29%) are referred for behavioral reasons, with or without any accompanying academic problems. Girls, on the other hand, are far more likely to be referred exclusively for academic reasons and far less likely to be referred exclusively for behavioral reasons. Clearly, a major reason, but not the entire reason, for the disproportionate representation of boys in special education is the fact that classroom teachers are more likely to perceive them as displaying inappropriate behavior. Not surprisingly, the inappropriate behavior that boys are perceived to display is interpreted by teachers as being aggressive, as opposed to being immature or withdrawn. In 62% of the instances, boys' behavior is reported as being aggressive, while girls' behavior is recorded as aggressive only 43% of the time.

Ethnic Group Membership. Although it is well-known that minority group youngsters swell the special education rosters, relatively few studies have been conducted as to the reasons for this state of affairs. Specifically, the reasons why teachers refer children of different ethnic groups for an evaluation have not been well documented. The data in the table on the following page offer some insight into this circumstance.

Reason for Referral X Ethnicity

	Academic	Behavioral	Both
White	69%	9%	22%
Black	48%	13%	39%
Hispanic	54%	9%	37%

The Chi Square value associated with the data in the table above is statistically significant at the .005 level. indicating that the chances are less than 5 in 1000 that the distribution of referrals above is random. More to the point, the importance of the data is that white children tend to be referred for academics alone significantly more than minority (black + Hispanic) children. whereas the latter tend to be referred significantly more frequently for a combination of academics and misbehavior.

Grade level. Relatively little information is available regarding the reasons why children are referred to special education at different grade levels. The only data that come to mind are in a 25-year old study which indicated that referrals to classes for educable mentally retarded children reach their peak at the fourth grade. A working hypothesis for this research was that there would be a substantial increase in academic referrals at the fourth grade when the nature of the reading curriculum changes from an emphasis on decoding skills to reading in content areas. That is, the first three years are devoted to teach children the mechanics of reading, whereas the fourth grade requires them to begin to apply their reading skills. A summary of the data on reasons for referral for each grade level appears now and largely confirms the hypothesis.

Reason for Referral X Grade level

Grade level	Academic	Behavioral	Both
1st	48%	10%	43%
2nd	49%	12%	39%
3rd	51%	14%	35%
4th	70%	8%	22%
5th	62%	4%	34%
6th	48%	12%	41%
7th	54%	14%	32%
8th	38%	38%	25%

Other than in the fourth grade there are few differences in reasons for referral across the grades. The data for the 8th grade is based on a very small sample size and should be interpreted cautiously.

The data presented until now offer a picture of the children in the sample, and provide clues as to why they are referred to special education. A table indicating the source of the referrals is also being included here. We must be sensitive to the possibility that as the Board presses for reductions in referrals to special education the net result could be a reduction in school-based referrals, and a corresponding increase in referrals from parents. At the very least, the data in the table below could serve as a baseline against which to compare future referral rates.

Source of Referrals

Source	Percent of total referrals
Teachers	62%
Parents	23%
Other school personnel	12%
Others (e.g., physicians)	3%

The data in the table above indicate the not surprising findings that the school system initiates approximately three-fourths of all referrals to special education, and that the parents refer the remaining quarter. Physicians, clinics, mental health centers, and the like refer very few children to the COH. Interestingly, that there is are differences in parental referral rates among ethnic groups, as the table below illustrates.

Ethnic Group X Source of Referral

Ethnic Group	Source of Referral		
	Teacher	Parent	Other School Personnel
White	48%	38%	12%
Black	70%	15%	11%
Hispanic	66%	19%	12%

These data may be interpreted in relation to the overall referrals by different sources. Although the school refers 74% of all children (62% teacher referrals + 12% other school personnel) to COH, these rates are not consistent across ethnic groups. Eighty-one percent of black children are referred by the school, but only 48% of white children are so referred. Parents, on the other hand, refer 38% of the white children, and only 15% of the black children. These data may simply reflect differences in socioeconomic status among parents rather than ethnic group differences, however. Middle-income parents may be more likely than poorer parents to initiate a request for referral. Unfortunately, data on socioeconomic status were not available for confirmation of this possibility.

Minority children are more likely than white children to be referred by physicians or community agencies. These frequencies are very low, however, and should be interpreted with care.

Tests that are Administered

In this section data on psychological and educational tests that are administered to children when they are assessed by the SBST are reviewed. Before they are presented, it must be mentioned that the data on tests administered are the "sloppiest" of the entire set. Because of severe time pressures, the data collection form was developed very quickly, and as a result all of the possible tests employed by the SBST were not identified. As it turns out, even if several weeks more time had been available it still would not have been possible to identify all possible tests, especially those administered by the educational evaluators. Consequently, space was left on the data retrieval form for the identification of up to six tests administered by educational evaluators. These six tests were to be selected from among a list of 16 tests that were coded. The names of those tests that were administered by the educational evaluators but not included in my list of 16 were to be written down on a separate sheet of paper by the data collectors. Due to several mishaps, these additional tests are available for 391 children in only six of the 12 districts. Although much data are missing there are enough available to draw the conclusions that are indicated. One set of analyses is affected by the reduced sample size, and these analyses are indicated at the time they are presented.

This part of the report begins by indicating that there are not many relationships which can be detected between reasons children were referred and the test battery that they were administered. School psychologists appear to administer a set battery to all children: an intelligence test (the Wechsler Intelligence Tests for Children-Revised (WISC-R) is administered to 96% of all children), a Bender (administered to 95% of all children), and a projective test. With respect to the projective test, 33% of the children are administered a Rorschach, 27% a Thematic Apperception Test (TAT), and about 30% a figure drawing of one kind or another. Occasionally, a sentence completion or a clinical interview is administered in an attempt to understand possible intrapsychic conflict, but these projective approaches occur with low frequency. Because of the very high percentage of children who receive the WISC-R and the Bender, it is unnecessary to analyze whether there is a relationship between reason for referral and tests administered. Clearly, there is none; all children take them regardless of the reason they are referred. Only in the administration of the Rorschach is there an apparent relationship between reason for referral and the administration of a particular test. Of the children to whom the Rorschach is administered, (33% of the sample), 28% are referred exclusively for academics, 56% are referred exclusively for behavior, and 45% are referred for unacceptable performance in both academics and behavior.

If the school psychologist administers a small range of tests, it is more than offset by a wide range of tests the educational evaluator administers. Here, too, there is no apparent relationship between the reason a child is referred and the battery of tests he is given. Based on data from six of the 12 districts (391 children), an average of slightly under seven different educational tests are administered to a child. The tests most often administered, based upon data from all 12 districts, are: the Peabody Individual Achievment Test (PIAT), administered to 72% of the sample; the Peabody Picture

Vocabulary Test (PPVT), administered to 68% of the sample; the Detroit Test of Learning Aptitude, given to 58% of the sample; the Beery Test of Visual-Motor Integration, taken by 56% of the sample; the Key Math Test, to 55% of the sample; the Brigance Basic Skills Level, to 38%; and the Wide Range Achievement Test (WRAT), which was administered to 34% of the sample. The only other test that is administered to more than one-third of the childen is the Roswell-Chall.

It should be mentioned that the above percentages indicate that one or more subtests of the test are administered, not necessarily the complete test. To illustrate with the test most often administered, the PIAT, fewer than 3% of the children who receive this test are administered all of the subtests, thereby earning a total grade equivalent score. The adequacy of this practice is best summarized by Salvia and Ysseldyke in the second edition of their text, "Assessment in Special and Remedial Education", where they state, "While the reliabilities of the PIAT subtests are too low for use in making important educational decisions, the reliabilities of some (my italics) subtests are adequate for screening purposes (p. 174)." Subtest scores, these authors imply, are not sufficiently reliable to be used for classification decisions or for the formuiation of annual goals.

In a similar fashion, only a few of the 19 subtests of the Detroit Tests of Learning Aptitude are administered. Here, too, the reliabilities are suspect, primarily because the handbook in which the standardization data are presented fails to mention subtest reliabilities, and otherwise does an inadequate job of presenting the test construction data. The same comment could be made with reference to most of the tests that are administered, but this point has been sufficiently stressed. The major point is that it is uncertain why any particular battery of tests is chosen for use. To illustrate the point in a more quantitative manner, below appears the percentage of times each of the seven most frequently used tests is administered, analyzed in relation to the reason that children are referred. If the presenting problem dicates the test battery employed, it should be reflected in the percentage of time that a given test is administered for a particular presenting problem. The data are as follows:

	Reason for Referral		
Test Name	Academic	Behavior	Both
Peabody Ind. Ach. Test	71%	73%	71%
Peabody Pic. Vocab. Test	69%	62%	67%
Det. Tests of Learn. Aptitude	57%	56%	60%
Beery Test of Vis.-Motor Integ.	56%	65%	52%
Key Math	51%	49%	47%
Brigance Basic Skills	39%	47%	33%
Wide Range Achievement Test	35%	30%	34%

Regardless of the reason for referral, each test is administered in the same relative proportion. For example, approximately 72% of the children are given the PIAT regardless of the reason they are referred.

In sum, the data do not indicate any apparent relationship between the reason for referral and the nature of testing that is provided. The psychologists administer the WISC-R, Bender and a projective to virtually all children, and the educational evaluators administer a PIAT and a PPVT to a substantial majority of children, and they exhibit considerable variability in the remaining tests. Greater insight into the nature of this variability is offered later in the narrative under the discussion of similarities and differences among COH district offices.

Before this section is concluded, the meaning of test reliability is described since its importance has been stressed earlier. Basically, reliability refers to consistency of measurement; that is, the extent to which the same score is obtained on repeated measurements. Its importance can be illustrated with an example of the person who wants to know how much he weighs. He gets on a scale in the morning and weighs 175 pounds. He steps off the scale and immediately gets back on and weighs 145 pounds. One minute later he again stands on the scale and now weighs 210 lbs. How much does the man weigh, and what do we conclude? Obviously, we do not know how much he weighs, and we conclude that the scale is broken; that is, the scale is not reliable.

SECTION II. HOW CHILDREN ARE CLASSIFIED

Test Scores

Until now the emphasis has been primarily on a description of the sample, focusing on similarities and differences with respect to grade level at the time of referal, gender, ethnicity, and reasons for referral. At this point the test scores that were obtained will be presented. As before, these data will first be presented for the entire sample and subsequently analyzed for gender, grade level, ethnicity, and reasons for referral. The scores reported in this part of the narrative are for the WISC-R IQ --full-scale, verbal and performance-- the city-wide reading and math scores, the subtest scores, but not the total test score of the PIAT, and the three subtests of the Wide Range Achievement Test (WRAT). The latter two are among the most frequently administered tests and are fairly representative of the achievement tests administered by educational evauators.

WISC-R IQ Scores. The entire sample of children for whom data are available obtained an average full-scale IQ score of 87.9. The Verbal IQ for the group averages 86.6, while the corresponding Performance IQ averages 91.5. By way of providing markers to interpret IQ scores, a score of 100 is average and corresponds to the 50th percentile of the population, and a score of 85 is below average and corresponds to the 16th percentile.

City-wide reading scores. Although the presentation of achievement grade level scores is straightforward, analyses of grade level scores is problematic under the best of circumstances, and especially difficult in the present data set. It is relatively simple to present data that the average grade level achievement score is 5.5, for example, but what does that mean? A third grade child reading at 5.5 would be performing above grade level whereas an eighth grader would be performing below grade level. Obviously, a grade equivalent score is interpretable only in relation to the grade level in which a youngster is enrolled. Normally, standard scores or percentile scores are available and are employed in statistical analyses of data from different grade levels; both a third grader and a seventh grader can perform at the 40th percentile of their respective grades. Unfortunately, I did not have access to these other scores. Consequently, I transformed all grade equivalent scores --the only scores that were available-- into deviations from grade level. To illustrate, a child in the fifth grade at the time of referral whose city-wide reading score was a grade equivalent of 3.5 received a transformed score of 1.5: I subtracted the obtained score from the grade level (5-3.5 = 1.5). Thus, higher scores represent increased deviations from grade level performance. A score of .50 implies performance of one-half year below grade, and a score a 1.5 implies performance one and one-half years below grade. A negative score reflects a performance level above expectations for the child's grade level. These achievement scores are easy to interpret once it is realized that they are deviations from grade level and high scores imply poor performance.

On the average, the entire sample of children is .75 grade levels behind on the city-wide test of reading; that is, 3/4 of a year behind expectations for their grade. In arithmetic, the average deficit on the city-wide testing is .44 grade levels, or slightly less than 1/2 year.

The Peabody Individual Achievement Test (PIAT) is composed of five separate subtests which, when all are administered, yields a total grade-equivalent score. As was indicated earlier, few complete PIAT batteries are administered; therefore only subtest scores are presented. The average subtest deviation score for the first subtest, Mathematics, is .04, or 4/100th below grade level expectation. In other words, the average math score is on grade level. Scores on Reading Recognition, the second subtest, yield an average of .12 below grade level, an avergae that is also essentially on grade level. The next subtest, Reading Comprehension, results in an average deficit of .25, or one quarter of a year. The fifth, and final, subtest for which data are being presented is Spelling, where the average performance was .23 below grade level, or slightly under one-fourth of a year.

It is of interest to compare the average reading and math achievement score deficits when the city-wide and the PIAT achievement tests are employed. The average reading delay on the PIAT is about .2 grade levels, while it is .74 on the city-wide reading test, a difference in excess of one-half year. Similarly, the average deviation from grade level in math is .04 on the PIAT and .44 on the city-wide math, a difference of slightly less than one-half year. The most logical reason for this disparity is that the city-wide achievement tests are group administered whereas the PIAT is administered individually, probably under more supportive circumstances. It is also possible, of course, that the tests are standardized differently, and that differences in grade equivalent scores would emerge even if the test administration did not vary.

The average score deficits for the three subtests of the Wide Range Achievment Test (WRAT) are as follows: Reading .25; Arithmetic, .00; Spelling, .17. Thus, over the entire sample of children, the WRAT and the PIAT yield relatively similar average deficits for reading and arithmetic. As is now demonstrated, however, the similarities in test scores are not constant for all subgroups.

The following portion of the narrative presents the test score data separately for gender, ethnic group, grade level, and reasonfor referral. Asterisks are being used after each test name to connote statistically significant differences between groups on that particular test or subtest. The level of significance being employed is set at .05, indicating that there are fewer than five chances in one hundred that the differnces in test scores between groups could have occurred randomly.

Gender. It was indicated earlier that 68% of the sample is male, and that females are far more likely to be referred exclusively for academic reasons. The test score data on the following page supports this point.

Average Test Scores X Gender

Test name	Male	Female
Full Scale IQ*	89.1	85.4
Verbal IQ*	86.4	84.5
Performance IQ*	92.5	88.9
City-wide reading	.68	.91
City-wide math	.38	.59
PIAT Math	-.16	.54
PIAT Reading Recognition	.25	-.12
PIAT Reading Comprehension	.28	.19
PIAT Spelling	.33	.03
PIAT General Information*	.23	.66
WRAT Reading	.30	.16
WRAT Arithmetic*	-.14	.31
WRAT Spelling	.16	.16

(Note: An asterisk indicates that the average difference between males and females is statistically significant.)

The data in the table above reveal that there are statistically significant differences in the IQ scores (learning rates) of boys and girls. Boys who are referred to COH tend to have higher IQ levels than girls. These data confirm those reported earlier in the text that girls are more apt to be referred exclusively for academic reasons. Evidentally, teachers' tolerance for for poor academic performance is greater when that poor performance is unaccompanied by inappropriate behavior. Stated differently, it requires less academic delay for teachers to refer boys. Further, although the academic achievement differences between boys and girls is not great, even boys' scores are considerably behind grade level when they are referred.

Ethnic group. It was previously reported that white children are more likely than minority children to be referred exclusively for academic reasons, and the latter are more likely to be referred for a combination of academics and behavior. Test score data are now reported comparing the performance of children in the three ethnic groups.

Average Test Scores X Ethnic Group

Test name	White	Black	Hispanic
Full-scale IQ*	95.4	84.8	87.2(1)
Verbal IQ*	95.0	84.8	83.1
Performance IQ*	96.1	87.5	93.4
City-wide Reading*	.30	.77	.86
City-wide Math*	.01	.65	.44
PIAT Math*	-1.54	.40	.45
PIAT Reading Recognition*	-.86	.44	.35
PIAT Spelling*	-.68	.50	.53
WRAT Reading	-.30	.21	.60
WRAT Arithmetic	-.18	-.09	-.11
WRAT Spelling	-.02	-.07	.41

(1) WISC-R scores for Hispanic children include all those who were administered the test, regardless of language of adminstration. Additional analyses on this point appear toward the end of this report.)

The data above suggest consistent differences in IQ and academic achievment across ethnic groups for all measures except the WRAT, and even on this latter instrument, the differences that emerge are in the same direction as for the other instruments: white children have higher IQ scores and score higher on tests of achievement. These data could be interpreted to suggest that teachers refer white children when they are only marginally below grade level in reading but do not refer minority children unless their reading performance is considerably below grade level expectation. Several caveats are in order, however, before such an interpretation is made. First, these data do not consider differences in socioeconomic status (SES) among the groups, and it is entirely plausible that ethnic groups are a proxy for SES. Second, it is crucial to observe referral test score patterns on a classroom by classroom basis to examine closely the characteristics of children who are referred by a specific teacher, with particular reference to ethnicity and SES. Differences in overall achievement levels between classes may present a misleading pattern for the district. In all probability, teachers primarily refer children who function below the modal performance level of the classroom. In both lower- and middle-income schools, the lowest performing children may be referred, but in lower-income areas, the overall level of functioning is lower, so the children who are referred are likely to perform less well.

Grade level. The scores that were obtained for children at each grade level appear below.

Average Test Scores X Grade Level

Test name	1st	2nd	3rd	4th	5th	6th
Full-scale IQ	82.1	89.4	90.7	86.8	85.6	89.3
Verbal IQ	82.8	88.0	88.6	85.5	83.6	87.8
Perf. IQ	84.4	91.8	94.1	91.4	89.8	92.4
City-wide Read	-.23	.21	.74	.93	.89	1.19
City-wide Math	-.54	-.18	.23	.41	.96	.83
PIAT Math	-.46	-.04	.56	.11	1.24	.32
PIAT Read. recog.	-.45	-.18	.45	-.10	.85	.15
PIAT Read. compre.	-1.13	-.55	.04	.18	1.26	1.57
PIAT Spelling	-.65	-.17	.10	.26	1.02	.23
PIAT Gen. inform.	-.56	-.14	.04	.60	1.22	.49
WRAT Reading	-.07	-.27	-.46	.93	2.32	1.42
WRAT Arith.	-1.09	-.53	.10	.08	.60	1.90
WRAT Spelling	-1.10	-.47	.24	.40	.60	1.53

In the analyses above, significant differences emerged on all tests except the PIAT Math and Reading Recognition. Also, the fact that first grade children tend to score above grade level could be attributable to the fact that many of them had been left back and were being tested on material they had been taught twice.

The first point that should be noted from the table above is that math deficits are considerably less lower than reading deficits on most tests. The likelihood is great that the referral process is more closely linked to reading performance than to math performance.

The second point is that the trend in children's test scores is for increased delay as they progress through the grades, a statistically significant finding for most subtests. By observing the average scores at each grade level the picture of a child that emerges when different tests are used can be detected This occurrence will be elaborated upon later under the section on COH District differences. Observe, for example, the .21 average deficit for second graders on the city-wide reading test. This grade level is being selected for illustration because it has the highest number of referrals to COH. Note that educational evaluators who administer a PIAT detect grade appropriate performance or better in reading (-.18 for reading recognition and -.55 for reading comprehension), while those who administer a WRAT also detect above-average grade performance in reading (-.27 and -.47 for reading and spelling, respectively). Neither the results of the PIAT nor the WRAT is likely to confirm teachers' judgments of inadequate reading performance. Equally important, the portrait of the child differs depending on the vagaries of the tests that happen to be administered at different grade levels. Consider the fourth grader whose average city-wide reading deficit is close to one full year (.93). If this hypothetical child is administered a WRAT his score exactly corresponds to the city-wide score. If he is administered a PIAT, however, his reading recognition and reading comprehension scores hover around grade level norms. In the fifth grade, the PIAT most closely corresponds to the city-wide reading scores.

In short, the magnitude of impairment that the educational evaluator is likely to detect is dependent upon the test administered and the age of the child at the time of the administration. As was reported earlier, the tests that are administered have little bearing on the initial reason for referral. It would not be unlikely that many teachers would complain that the write-up on a child conducted by the SBST does not reflect the same child who was referred. The issue of test scores and reasons for referral is more closely studied at this point.

Reasons for Referral. As was indicated earlier, three reasons for referral were coded: exclusively for academics; exclusively for behavior, and; a combination of academics and behavior. The percentages of the sample for the three categories are 54%, 10% and 35%, respectively. Several questions emerge at this point. First, do the city-wide scores to which teachers have access correspond to or influence their referrals? Asked differently, are children referred for academics likely to obtain lower scores than children referred for behavior? Logically, it would be expected that children referred for academics should have lower reading scores, and that those referred for behavior would have higher scores. (It was noted above that math performance is less important in the referral process.)

Average Test Scores X Reason for Referral

Test name	Academic	Behavior	Both
Full-scale IQ*	87.2	93.1	87.9
Verbal IQ*	85.2	92.4	86.7
Performance IQ	91.5	94.7	90.6
City-wide Reading*	.83	.13	.83
City-wide Math	.41	.11	.58
PIAT Math	-.02	-.34	.32
PIAT Reading recognition*	.25	-1.12	.28
PIAT Reading comprehension*	.24	-.88	.61
PIAT Spelling*	.26	-1.30	.61
PIAT General information	.56	.00	.18
WRAT Reading	.53	-.30	-.08
WRAT Arithmetic	.06	-.35	-.02
WRAT Spelling	.30	.13	.05

(Note: The asterisk connotes statistically significant differences among the reasons for referral.)

The data above indicate that, in fact, teachers' referrals to special education correspond to children's performance on city-wide reading test scores but not on city-wide math test scores. Children referred for academic reasons have average reading deficits of almost one full year (.83).

Children referred for behavior have average reading test scores of only .13. It could have been anticipated that children referred for both academics and behavior would obtain somewhat higher reading scores than those children referred exclusively for academics, insofar as the classroom teacher might be less tolerant of a youngster who not only is behind academically but misbehaved as well. Clearly, the data do not support this. Children referred for both academics and behavior are performing just as poorly as those referred only for academics, as measured by city-wide reading scores.

The data also provide clear indication that the children referred for academics, with or without concomitant misbehavior, have different levels of cognitive skills than those referred exclusively for behavior. The full-scale IQ difference between the two groups is 5 to 6 points. Thus, these data as a whole support the classroom teachers' jusitification for

for differentiating between referrals; children referred for academics not only achieve well below grade level, especially in reading, but they also have a slower learning rate.

At this point, the next logical step in the referral process is addressed, the actual classification that results when the COH members sift through the referral information and the test data. The major point of interest is whether there are differences in classroom performance and/or test score performance among children who are identified for placement in NIEH, CEH, HC30, or resource room. Additionally, the test scores of children who are deemed eligible for special education are compared to the scores of a group of children who were referred, assessed, and found ineligible.

How Children are Classified

SBST members have two main functions to perform when the background and test score data on a given child are available. They recommend a handicapping classification and they develop IEP annual goals and related service recommendations. At this point the concern is with how the COH renders a judgment regarding classification; the next portion of the report details the annual goals and related service recommendation outcomes. Two questions are of interest regarding classifications. First, which pieces of test score information weigh most heavily in the decision-making processes? Second, are there reliable differences in the pattern of abilities and disabilities for children who are recommended for different classifications?

Before data are presented in answer to these questions it is appropriate to indicate the percentage of children of different ethnic groups who are identified for a particular special education classification. These data are followed by a similar breakdown for the reasons for referral. Beginning with ethnic groups, for whom data are available on 561 children, the percentages of children who are targeted for a particular handicapping classification are indicated below in the table. The percentages are calculated within ethnic group, that is, the column totals sum to 100%, subject to rounding error.

Ethnic Groups X Classification

Classification	White	Black	Hipanic
NIEH	1%	6%	3%
CEH	11%	26%	14%
HC30	32%	30%	32%
Res. Room	30%	27%	43%
Ineligible	25%	12%	10%

Several interesting patterns emerge from the data presented above. Firt, black children are far more likely than white or Hispanic children to be classified a NIEH or CEH. One-third of black children are classified as either NIEH or CEH compared to 12% of white children and 17% of Hispanic children. The second major item is that Hispanic children are far more likely than either white or black children to be recommended for resource room placement. Finally, white children are at least twice as likely as minority children to be found eligible for special education.

With regard to the relationship between classification decisions and initial reasons for referral, based upon analysis of 647 cases, the following percentages occur.

Reasons for Referrals X Classifications

Classification	Academic	Behavioral	Both
NIEH	1%	3%	4%
CEH	4%	41%	30%
HC30	36%	12%	27%
Res. Room	42%	22%	32%
Ineligible	16%	23%	8%

Here, too. several marked contrasts in the data are evident. A total of 5% of children referred exclusively for academic reasons are classified as either NIEH or CEH compared to 44% of children who are referred for behavioral reasons. As is indicated later, teachers' reasons for referrals are the single most influential determinant of placement recommendations among children classified as emotionally handicapped. The data in the table above illustrate this clearly. The data also show that whereas 78% of the children referred for academics alone are recommended for either HC30 or resource room, only 34% of those referred for behavioral reasons are recommended for these placements. Finally, children referred for both academics and behavior are the least likely to be found ineligible for special education.

In an attempt to address the first question raised earlier, how to identify the important bits of data that are used in decision-making, the following procedures were used. Not being privy to deliberations of COH teams regarding the criteria they used in the classification process, and not being aware of whether such criteria have been enunciated, I attempted to determine whether it is possible to discern some of the criteria that the COH probably used by resorting to information available about the children they classified. Specifically, I was interested to see whether available test scores and/or other indicators of children's prformance could be useful in predicting the categories into which they were classified, and what specific measures are particularly useful for this purpose.

Before describing the method used and the summary of the analysis, several points need to be noted. The present attempt is done post hoc, that is, after the children have been classified, and is by its very nature predicated on the assumption that not only did the COH members in a given district employ uniform criteria but also that the criteria used were, by and large, similar across and within districts. Moreover, the analysis is also based on the assumption that criteria used by the COH's were valid for classification purposes. Needless to say, the assumptions in all probability are questionable.

Turning now to the method of analysis that was employed. note that it is referred to as discriminant analysis. Briefly, discriminant analysis is designed to differentially weight a set of variables (e.g., age, gender), test scores, or other indicators (e.g., teachers' reasons for referral) so that the information thus obtained will lead to the greatest possible differentiation among a set of groups. In the present case, the intent was to determine which combination of test scores and/or other indicators leads to the best differentiation among the five categories of children that were formed on the basis of the COH's recommendations. In addition, discriminant analysis affords one the opportunity to determine the relative importance of variables that contribute to the separation among the groups. This means that the results of such an analysis permits a determination on which indicators and/or test scores, the groups differ most. Finally, the discriminant analysis enables one to determine the extent of success that can be attained in predicting group membership using the information about the variables that were shown to be effective discriminators, or differentiators. In the present case, this means that one can determine the percent of children being "correctly" classified using only the information about the variables that were shown to be important discriminators. Note carefully, that the term "correctly" in the present context means in agreement with the COH'S classification.

Because many of the variables in educational settings are interrelated, they provide redundant information to a greater or lesser extent. Consequently, a choice can be made from among a set of variables such that a relatively small number of them would provide as good, or almost as good, a differentiation and prediction as does the entire set of available variables. Needless to say, various criteria may be used for the selection of variables from among the available ones. Very often, statistical criteria can be resorted to in arriving at such choices. An alternative, however, and the one opted for, is to select first variables that are readily available, at relatively low cost, and then see whether more costly variables would enhance differentiation and prediction to a degree that would justify the cost in obtaining them. For example, it may be shown that after taking into account the children's gender, ethnic group, age, and other readily available variables, their IQ scores do not add much differentiation among them or among groups to which they have been classified. This does not mean that IQ is unimportant or irrelevant. What it means is that, given the information provided by the other variables, IQ does not add much. But had it been used in the absence of the other variables it may have been an effective predictor. With the foregoing remarks in mind, the variables that were selected and the order in which they were used in the analysis were: reason for referral-academic; reason for referral-behavioral; city-wide reading scores; city-wide math scores, and; full-scale IQ score.

Simply knowing the reason for referral, that is, the three categories: academics alone; behavior alone; both academics and behavior; 38.6% of the children could be successfully classified. When the city-wide reading score is entered into the equation, the successful classification rate improves to 48.4%. The inclusion of city-wide math scores raises the percentage to 51.5. As is therefore evident, more than half of the children can be successfully classified into one of five groups exclusively on the basis of information that is obtainable prior to an assessment by the COH.

The only test administered in sufficient numbers by the COH to permit inclusion in the present analysis is the WISC-R, which past literature suggests is the most heavily relied upon instrument in the classification process. The addition of WISC-R full-scale IQ score into the discriminant equation improves successful classification by 3% to 54.5%. Although sufficient numbers of other tests scores were not available to enter into the equation, the probability is high that even if they were available, they would contribute relatively little to the prediction of classifications, perhaps another three to four percent.

How good is a successful classification rate of 54.5%? That depends on your perspective. First, it is quite obvious that the classification process is not random, and that there are differences in the reasons for referral, achievement scores, and IQ of children that propel recommendations for different class placements. As I shall indicate shortly there are reliable differences in test performance among children in different special education placements. With five possible groups into which a child could be recommended, the statistical odds on a chance basis are for 20% accuracy. Fifty-four percent accuracy greatly exceeds 20%. On the other hand, if successful classification is considered in terms of the group referred most often --the resource room group who constitute approximately 40% of the sample-- then a successful classification rate of 54.5% is 14.5% superior to a simple decision that a given youngster is either eligible or ineligible for resource room. In either case, the bulk of the information that generates successful classification is obtained prior to the COH assessment. The classroom teachers' reasons for referral and the children's scores on the city-wide achievement batteries result in a better than 50% success rate. In fact, the inclusion of the IQ score, which improves the overall classification prediction percentage by three, from 51 to 54, actually results in fewer resource room children being correctly classified. Without the IQ score the resource room placement of 86% of the children could be successfully predicted; with the IQ score only 68% of resource room children could be accurately classified. The reduction is because there evidently is overlap in the IQ scores of children placed in resource rooms and those placed in HC30 classes, thereby blurring some of the overall differences between the two groups. The inclusion of the IQ score raises the classification success of the HC30 group from 29% to 65%, however. Evidentally, the inclusion of the IQ score detracts from the classification of resource room children, and enhances the classification of HC30 children. To complicate matters still further, neither the IQ score nor the achievement scores have any affect on the classification of CEH children; only 34% could be successfully classified, and the entire 34% derives from teachers' referring statements that the children are behavior problems.

There are, of course, a number of reasons why classifications could not be predicted with greater accuracy. One reason may be the lack of sufficient data on other indices, especially for the CEH children. While this lack might limit successful prediction, I strongly doubt that the prediction would have been much higher had substantially more information been available, as was indicated before. A second reason for the lack of successful prediction is that many COH teams weigh a variety of factors other than test scores in making their classification determination. The quality of the teacher in a particular placement that a child might warrant, the availability of space in a given placement that is close to the child's home, the amenability of the parent to the classification, etc., are all very real factors that enter into classification decisions. To the extent that these factors influence decisions, and they certainly do, the question arises as to the need for an in-depth exploration of a child's functioning in order to arrive at a specific classification. The present data suggest that the bulk of the classification determination rests with the classroom teacher, not the COH.

The fact that the majority of the discrimination power among groups derives from information that is generated prior to the COH evaluation does not imply that the individualized assessment conducted by COH is incorrect or is generating different information. As the table on the next page indicates, there are substantial and consistent differences in test scores among the five classifications.

Average Test Scores X Classification

Test name	NIEH	CEH	HC30	Res. Room	Ineligible
Full-scale IQ	74.0	88.9	81.1	90.8	99.0
Verbal IQ	76.1	88.6	79.7	88.7	97.1
Performance IQ	75.6	91.0	85.8	94.8	100.7
City-wide Read.	1.23	.32	1.28	.77	.20
City-wide Math	1.36	.30	.78	.36	-.03
PIAT Math	1.44	-.11	.82	.12	-2.15
PIAT Read. recog.	2.39	-.12	.89	.12	-1.40
PIAT Read. compre.	2.50	.08	.69	.51	-1.15
PIAT Spelling	.55	.17	.82	.23	-.55
PIAT Gen. Info.	1.76	.02	.74	.39	-.28
WRAT Reading	.10	-.15	.66	.03	-.81
WRAT Arithmetic	1.10	-.44	.13	.04	-.44
WRAT Spelling	.89	-.46	.25	.37	.53

(Note: In the above analysis, all tests and/or subtests are significantly different except for PIAT Spelling and WRAT Reading)

In the various classifications above, NIEH children consisently obtained the lowest scores, and ineligible children consistently obtained the highest gains. In fact, with specific reference to the ineligible children, the extent of overlap in test scores between them and children who are deemed eligible for special education is compared. How many children who are recommended for special education have test scores in IQ, reading, and math that are at the same level as the average ineligible child? Only 14 such children exist out of approximately 375 for whom data are available, less than 4%. I did not examine the reason for referral for these 14 children, but at least one or two were probably referred exclusively for behavioral reasons. These data indicate convincingly that COH'S clearly discriminate between children whom they deem eligible for special education and those they do not.

The data above indicating that there are clear and identifiable differences between children found eligible for special education and those found ineligible is better interpreted in relation to the absolute numbers of children within the sample who were found to be ineligible. A listing of the numbers of childen recommended for classification in each of the five groups under consideration is:

Classification	Number	Percentage of sample
NIEH	23	3.2%
CEH	125	16.5%
HC30	222	29.3%
Res. Room	252	33.2%
Ineligible	99	13.1%

Thus, even assuming that an additional four percent of childen who are deemed eligible for special education are inappropriately classified, at most 17% of the children who are referred are "good" referrals in the sense that the COH process corroborates teachers' initial actions. Stated somewhat differently, I would be suspicious of any sudden decline in the number of referrals that are deemed ineligible by the COH. The data indicate that the overwhelming percentage of referrals are justified. This, of course, does not negate the possibility that alternative educational services other than special education might not be as effective, or even more effective, for these children. But there is little doubt that children who are being referred by teachers and classified by the COH are in need of additional educational and supportive services than they appear to be receiving. Not referring the children, or waiting until they become older in the hope that they will "outgrow" the problem only appears to have an exacerbating effect on their inadequate performance.

Because it was indicated earlier that the bulk of the classification grouping can be traced to classroom teachers' reasons for referral, which can be influenced by, or at least associated with, city-wide reading scores, a tabular presentation of these data is being presented in relation to the reasons these children are initially referred. For ease of presentation, separate tables for each major test that is administered are being included.

Reason for Referral X Classification (Full-scale IQ)

Classification	Academic	Behavior	Both
NIEH	71.0 (5)	69.0 (2)	80.1 (9)
CEH	91.4 (15)	92.4 (28)	87.5 (66)
HC30	80.1 (128)	84.0 (8)	81.9 (60)
Res. Room	89.2 (151)	95.7 (15)	93.3 (70)
Ineligible	99.8 (57)	98.8 (16)	97.5 (17)

(Note: The number in parentheses after each score represents the number of children on whom the average IQ score is based.)

The next table replicates the one above and presents the corresponding data for verbal IQ scores. These particular data appear to correspond to teachers' judgments about children's ability and are undoubtedly a major factor in the decision to refer.

Reason for Referral X Classification (Verbal IQ)

Classification	Academic	Behavior	Both
NIEH	67.0	79.5	82.2
CEH	89.5	91.6	87.2
HC30	78.1	84.0	81.5
Res. Room	87.1	91.2	91.5
Ineligible	98.5	99.0	91.4

Reason for Referral X Classification (City-wide reading)

Classification	Academic	Behavior	Both
NIEH	-.25 (2)	.85 (2)	1.93 (8)
CEH	.44 (7)	.23 (20)	.39 (35)
HC30	1.23 (66)	.83 (3)	1.46 (27)
Res. room	.83 (88)	.22 (9)	.77 (53)
Ineligible	.15 (36)	-.16 (7)	.52 (13)

Reason for Referral X Classification (PIAT Read. recog.)

Classification	Academic	Behavioral	Both
NIEH	None	.70 (1)	2.97 (4)
CEH	-.89 (10)	-1.15 (10)	.48 (25)
HC30	.89 (54)	.40 (4)	.98 (20)
Res. room	.34 (61)	-.80 (8)	-.12 (26)
Ineligible	-1.26 (25)	-2.31 (6)	-1.28 (12)

The four tables above illustrate several points in support of the previous assertions. First, the PIAT reading recognition scores of children in different classifications confirm, for the most part, the scores obtained by the city-wide reading test. They both tend to indicate that children referred for behavioral reasons alone, for example, perform better than those referred for academics. More importantly, the data indicate that few children referred for academics alone are eventually classified as CEH, or that few children referred exclusively for behavioral reasons are eventually classified as HC30 or recommended for resource room placement. These data clarify why reason for referral is heavily weighted in the discriminant classifications presented earlier.

Tests, Classifications, and Annual Goals. It was indicated previously that classifying children is one of two main functions that the COH assessment effort serves. Having discussed the issue of classification I now turn to the second function, the relationship between tests and annual goals as they appear on the IEP. This is a difficult set of relationships to establish because the idosyncrastic nuances of each child may call for different annual goals despite the fact that the childeren may have relatively similar test profiles. The major assumption that made in the analyses of these data was that greater deficits in performance should be associated with more academic goals. That is, a child who is two years behind in reading requires more academic goals than a child who is only one-half year behind. Although the assumption regarding the relationship between deficit and number of goals may not always be correct it appears logical that when this relationship is examined across 500-700 children some association --at least a weak one-- should emerge.

In order to examine the relationships between test score performance and the number of reading and math annual goals that were prescribed, a number of correlation coefficients were calculated. Correlation coefficients indicate the degree of relationship between two variables. In the present data set, any coefficient above .10 signifies a correlation that is above chance occurrence. A relationshop above .30 implies a moderately strong relationship between the two variables. The higher the coefficient the stronger the asociation between the two variables. A negative coefficient is interpreted in the same way as a positive coefficient except that in the former case as one variable increases in value the other decreases in value, while in the latter case, as one variable increases in value so does the other.

Simple descriptive data of the annual goals indicate that on average 7.2 academic goals are developed for a child, with 5.1 being in reading and/or language arts, and 1.8 in math. To provide additional insight, about two-thirds of the youngsters are presribed anywhere between about 3 and 10 reading goals, and between one and three math goals.

Without presenting the entire battery of correlation coefficients, suffice it to mention that the general magnitude of correlations between reading performance and number of reading goals on the IEP is between about .20, and for math it is about .15. These data indicate that there is a very weak, although statistically significant, relationship between the extent of deficit in a given area and the number of goals generated for children in that area. The correlation between the total number of academic goals and reading performance is .19. The magnitude of this correlation coefficient may be compared to the correlation between the total number of tests administered and the number of academic goals, which is .16. The total number of tests administered relates almost as well as the test scores to the number of academic goals that are generated for the children. In either case, the total number of tests administered and the scores on the tests do correlate with the number of annual goals that are developed.

A second analysis examined the number of reading and math goals that are developed in relation to the level of deficit that a child manifests. Specifically, the reasoning is that a child whose reading performance is more impaired than his math performance should receive more reading goals than math goals. A child whose math performance is more impaired, however, should receive more math goals. These relationships were examined with the city-wide exams, the PIAT, and the WRAT.

On the city-wide tests, 178 children who were more impaired in reading than math received more reading than math goals. Only seven children who were more impaired in reading received more math goals. For those children who were more impaired in math than in reading, six received more math goals and 102 received more reading goals. Thus, regardless of whether children exhibit greater math or reading deficits, more reading goals are formulated on their IEP's. Stated more precisely, 96% of the children were prescribed more reading than math goals. An almost identical data pattern emerged with the PIAT and the WRAT.

The greater emphasis placed on reading is in part justified by the fact that children tend to be more delayed in reading than in math, and that classroom teachers base their referral decisions primarily on the basis of poor reading performance. It is also a fact that the state of the art in the field of education is that more tests are available in reading than in math. However, it does appear that too little emphasis is placed on the development of mathematics goals. More detail on the relationship between tests and goals is provided in a later section where differences in district practices are discussed.

As this section is concluded, it should be stressed again that reliance on the sheer number of goals developed in a given subject-matter area is only of limited usefulness. The true measure of the appropriateness of the goals is whether special education teachers find the goals useful for instructional purposes in class. Not having access to these latter data as they are expensive and time-consuming to collect, I had to rely on a less useful approach to the issue.

Section III. IDENTIFYING LEARNING DISABLED CHILDREN

Identifying Children as Learning Disabled

One of the major difficulties in the field of special education is in the identification of children as learning disabled. Many states, including New York, have laws that define a learning disabled child, in part, as manifesting a 50% discrepancy beween obtained and expected achievement. There are many difficulties with this approach and the literature in the field of special education consistently indicates that children who are enrolled in classes for learning disabled children often do not have 50% discrepancies.

Another approach to the problem of defining learning disabled children has been to suggest that they exhibit considerable variability in performance. That is, they have a number of areas of strength and one or more areas of weakness, and this pattern of strengths and weaknesses define learning disabilities. Discrepancy scores of children in HC30 classes and in resource rooms were analyzed to determine the percentage of children in these respective placements who exhibit a 50% or greater discrepancy between expected and obtained achievment. The intratest scatter of children in the five groups under consideration was also computed to determine whether learning disabled youngsters exhibit greater scatter than other groups of handicapped children.

Discrepancy scores of learning disabled children. Discrepancy scores of children who were referred in either the second, third, or fourth grade and who were classified as either

HC30 or resource room children were computed. The discrepancy approach that was employed calculated the correlation between IQ and city-wide reading scores for each group (HC30 and resource room) at each grade level. From this correlation a predicted score for each child was calculated and compared to his obtained city-wide reading achievement score. The approach that was used is very conservative insofar as it maximizes the probability that a child will obtain a high discrepancy score. The table of relevant data for these analyses appears below.

Average Discrepancy Scores for 2nd, 3rd, and 4th Grade Children in HC30 or Res. Room

Group	2nd	3rd	4th
HC30	30.0(6%)	32.7(0%)	36.6(37%)
Res. room	32.9(25%)	35.9(16%)	26.4(4%)

In the data above, average discrepancies for each group at the 2nd, 3rd, and 4th grades are presented. The numbers in parentheses indicate the percentage of children in that group who obtained a discrepancy score of 50% or higher. Overall, only 16% of the 133 children who are represented in the tabular presentation above obtained discrepancy scores of 50% or higher. Remember that discrepancy scores were calculated only for city-wide reading scores. Insufficient data were available on other reading tests to warrant additional calculations.

Intratest scatter. The second way to define the learning disabled groups is to examine the intratest scatter that result from the subtests of the WISC-R. To do so, the amount of variability in each child's subtest scores on the WISC-R was computed and expressed in the form of a standard deviation. The average of all the standard deviations for each group of children can be compared. As the table below illustrates there are no differences in the extent of intratest scatter among the five groups.

Intratest Scatter of WISC-R Subtests

Group	Average Scatter
NIEH	2.33
CEH	2.65
HC30	2.63
Res. Room	2.45
Ineligible	2.55
Overall average	2.53

Thus, neither the discrepancy approach to the identification of children as learning disabled nor the intratest scatter approach successfully defines learning disabled children within this particular sample. It is likely that a child is identified as learning disabled if he exhibits at least one or two average or higher subtest scores on the WISC-R (out of

10 subtests), regardless of the extent of poor performance on the remaining subtests. It is debatable whether this latter approach, if it is actually employed, is appropriate to identify children as learning disabled. It may be equally appropriate, if not more appropriate, to suggest that the vast majority of youngsters who are presently identified as learning disabled are generally low achievers, and are not necessarily learning disabled. This is especially true for those recommended for placement in HC30 classes. There is little doubt that children recommended for placement in HC30 classes require far more supplemental instructional assistance than they typically receive in the regular classroom.

SECTION IV. COH PRACTICES AT THE DISTRICT LEVEL

Analyses of the COH at the District Level

Until this time the analyses have been confined to the entire data set from 12 COH district offices throughout the city. The decomposition of these data to the district level reveals a variety of differences not only in the nature of the children referred but also in the administration of educational tests and in the number of annual goals that are recommended. This section will begin by presenting the reasons for referral in each of the districts. Selected characteristics of children referred will follow.

Reasons for Referral in Each of 12 Districts

District#	Academic	Behavior	Both
2	49%	7%	44%
6	35	8	57
7	61	12	27
10	63	6	21
11	58	16	26
19	38	8	54
21	63	11	26
22	65	14	21
27	50	7	43
28	51	9	40
29	46	18	36
31	59	14	27

The data in the table above indicate some variability in the reasons for referral across the different districts, as would be expected. However, in each district children are referred mainly for academics.

Characteristics of Children Referred by District

District #	Full scale IQ	Verbal IQ	City Reading	PIAT Read. Comp.
2	95.6	92.7	.49	.61
6	90.7	86.8	1.00	1.13
7	83.9	80.7	.61	.76
10	87.8	85.5	.68	.55
11	92.4	90.1	.72	-1.08
19	84.6	84.1	1.36	.23
21	83.6	83.8	.76	.48
22	91.1	90.5	.72	-.22
27	81.9	81.9	1.26	.1.42
28	87.6	85.4	.86	.01
29	84.4	86.4	.00	-1.1
31	91.0	89.5	.97	.10

There are statistically significant test score differences among districts on each of the four test instruments presented.

The data in the table above shed light on the nature of referrals that occur at different districts. First, there is considerable variability in the ability of children who reside in different districts within the city. In District #2, the average IQ of the children is the highest of any district sampled. Their average IQ score of 95.6 is well within the normal range of intelligence as measured by the WISC-R. Yet, children at this IQ level who are also only one-half year below norm in reading are deemed by their teachers as sufficiently below standard to warrant referral to special education. In District # 27, on the other hand, the average IQ of referred children is 81.9, and children have to be an average of one and one-fourth years below grade level in reading before their teachers refer them. These data highlight a fact well-known to educators; that the standards for eligibility into special education differ by district of residence. The likelihood is great that a child who is deemed eligible for special education in District # 2 would not be considered eligible should he move to District # 27. Conversely, a child who is not eligible while he lives in District # 2 could be eligible if he moves to District # 27.

Differences in eligibility standards across districts are mirrored in differences in standards for ineligibility. By way of illustration, Districts #19 and #27 --the districts in which the referred children have the lowest average reading scores-- have the lowest rate of ineligibility for entry into special education, 5% and 8%, respectively. In other districts, however, there does not appear to be any logical relationship between the ability level of children referred and the likelihood they will be found ineligible. In District #2, for example, where the average IQ is almost 96, and where the average reading delay is less than one-half year, only 10% of the children evaluated are deemed ineligible for special education. Districts #27 and #2 have almost identical ineligibility rates (10% and 8%, respectively) despite vast differences in the ability and achievement levels of children who are referred; only five children (9%) of the sample referred in District #27 have IQ scores as high as the average in District #2. Although it may be difficult, and probably neither wise nor practical, to mandate performance standards in the classroom before a child can be referred by his classroom teacher, it should be relatively staightforward and highly practical to implement common eligibility requirements for entry into special education.

As a paranthetical note, 82% of the children in District #29 are referred for academic reasons; yet, the average reading grade on the city-wide exam indicates grade level performance. Something is obviously out of synchrony in this district, although I am unable to specify what this might be.

Data on the number of tests administered and the number of annual goals developed in each of six districts is now presented.

Tests Administered and Goals Generated. The tabular presentation below illustrates the variablility across districts in the number of tests administered by the educational evaluators, as well as the variability in the number of annual goals that are produced as a result of the testing.

Average Number of Tests Administered and Average Number of Annual Goals

District #	Tests	Goals
10	5.94	9.21
11	6.26	8.55
19	5.28	5.73
21	6.59	7.42
28	7.39	7.30
31	9.06	7.35

The data are interesting for a number of reasons. First, there is more than a 50% difference in the number of tests administered between some of the districts. Both Districts #10 and #19 administer an average of less than 6 tests, while District #31 administers an average of more than 9. More remarkable is the fact that the average IQ of children referred in District #31 is higher than in either of the other two districts, and that the level of reading delay is lower than in one of the two districts. It appears that children referred in District #31 are tested far more than those in other districts for whom data are available, but that the results of the testing are not evident, at least with regard to the number of annual goals that are generated. There are several possible explanantions for the extreme amount of testing conducted in District #31. One explanation is that of the six districts, #31 has a high number of children having a relatively severe level of reading delay in relation to their IQ scores, and it takes considerable testing to tease out the causes. An alternative speculation is that because it is the most middle-class of the six districts, the SBST members feel compelled to provide a large of amount of test data to satisfy parents. Yet, another possibility is that the referral rate in this district is relatively low and the time-consuming testing is one way to ensure that the educational evaluators have a full work load. The last of these possibilities is the easiest to validate.

Not only are there substantial differences in the number of tests that are administered in the districts there is even greater variability in the actual tests that are administered across districts. By way of illustration with a few tests, 72% of the children in District #28 are administered the Gilmore Test while only 3% of the children in District #11 are administered this test. Further, 66% of the children in District #31 are given a Slingerland (a test for which no reliability or validity data were reported the last time I looked several years ago), while the test is not administered in District #19. In addition, 73% of the youngsters in District #31 receive the Test of Written Spelling, a test that does not appear to be administered in any of the other five districts included here. There are many more substantial differences in test batteries across the districts, but the above illustrations suffice to make the point.

SECTION V. BILINGUAL TESTING AND RELATED SERVICE RECOMMENDATIONS

In this section several analyses that address the issue of classification and service recommendations are presented. Two analyses are reported herein: the first dealing with bilingual intelligence testing, and the second with related service recommendations.

Bilingual testing. Earlier in the narrative, on page 14, data were presented indicating a 10 point spread between verbal and performance IQ's of Hispanic children. Not surprisingly, the verbal IQ score was lower, 83.1 to be exact. It is of considerable interest to determine whether the depressed verbal IQ scores of Hispanic children could be attributable to their limited language proficiency; had these children been tested in Spanish their scores might have been higher. An analysis of the WISC-R data for the 41 children who had been tested in Spanish was compared to the scores of 150 who had been tested in English. The analysis indicates that the former obtain an average full-scale IQ of 80.3 (verbal = 76.8; performance = 84.5) while the children tested in Spanish obtain an average full-scale score of 88.8 (verbal = 84.5; performance = 95.2). These differences are highly significant, and suggest that children who require testing in Spanish are less capable intellectually than those who are able to be tested in English. Possibly, children who require Spanish language testing are of a lower socioeconomic background than children who do not, or are more recent arrivals to this country and have not yet learned our culture. Also, the gap of approximately 10 point between verbal and performance ability persisted for both groups of Hispanic children. Finally, the performance IQ of Hispanic children who took the IQ test in English (95.2) was less than one point below the average performance IQ of white children, and considerably above that of black children. The 10 point verbal-performance gap for the more capable Hispanic children suggests that extreme care should be exercised before such children are referred by their teachers to COH or are recommended for special education. An average performance IQ of 95.2 suggests that their primary difficulty may be language delay, not intellectual impairment.

Related service recommendations. Forty-one percent of the children who are found eligible for special education are recommended to receive counselling as a related service. Of those who are recommended for counselling, 91% are prescribed one session per week: two sesions weekly are recommended for the rest. The next most frequently recommended related service is speech, which is suggested for 17% of the children. Seventy-four percent of the children are recommended for speech service twice weekly, 16% are recommended for service three times a week, and the remaining few cases for either once a week or four to five times weekly.

More detailed breakdown of counselling recommendations indicates that 39% of boys are assigned counselling compared to 28% of girls. Further, 23% of white children, 41% of black children, and 38% of Hispanic children are recommended for counselling. Also, 21% of the children referred exclusively for academics are recommended for counselling, compared to 52% of those referred for behavior alone, and 51% of those referred for a combination of academics and behavior. Finally, 65% of children classified as NIEH are recommended for counselling, as are 56% of children in CEH classes, and 33% of children in both HC30 and resource room programs.

The related service data suggest that counselling is by far the most frequently recommended service, and that misbehavior by children is the primary reason for this recommendation. Again, note that teachers' reasons for referral are highly associated with recommendations for counselling service.

SECTION VI. SUMMARY AND RECOMMENDATIONS

The data collected in this three month project reveal several main findings. First, the majority of referrals to the COH appear to be appropriate. Children who are referred are considerably behind grade norms in reading, and the likelihood is great that without specialized intervention they would fall increasingly further behind. Also, teachers are not referring children to COH before alternatives have been attempted. More than half of the children referred have already been retained a grade in school, and 88% have been to a guidance counsellor. On the other hand, relatively few attempts within the classroom are made to retain the youngster. Changing the regular classroom teacher, modifying the curriculum for the youngster, imposing a behavior management program, or bringing an aide into the classroom for a period of time, are infrequently reported.

Twice as many children are referred for academic as for behavioral reasons. The bulk of the behavioral reasons for referral are for what is perceived as aggressive behavior. Not surprisingly, boys are referred far more than girls for perceived misbehavior.

As they are presently implemented, Chapter I reading programs are not sufficiently potent to prevent referrals for special education placement. Forty percent of the children who were referred had been enrolled in the Chapter I program either prior to or at the time of the referral.

Black and Hispanic children are referred sooner in their academic careers than white children. More than two-thirds of the black children were referred before they completed the third grade curriculum. Reading problems appear early in the children's schooling. By the second grade black children who are referred are .25 years behind grade level in city-wide reading scores, and .74 years behind in the third grade. The reading performance for Hispanic children was even poorer, with an average deficit of .48 in second grade, and .86 in third grade. The corresponding figures for white children was .17 and .63, for second and third graders, respectively. Difficulties with arithmetic do not appear with the same intensity as for reading. By the completion of the third grade not a single group of children referred had an average math deficit that equalled .50.

Black children in disproportionate numbers are recommended for placement in classes for the emotionally handicapped, largely as a consequence of their being perceived as behavior problems by their classroom teachers.

Neither psychologists nor educational evaluators cater their test battery to the reason for the referral. Psychologists administer the WISC-R, the Bender, and a projective test to virtually all children. Only in the administration of the Rorschach does there appear to be a relationship to reason for referral; of those to whom a Rorschach is administered, the majority are referred exclusively for behavioral reasons.

Educational evaluators administer a wide variety of tests that have little to do with the reasons for referral. They administer an average of almost seven educational tests. When tests are administered, selected subtests are very often given rather than the entire test. This results in decisions being made on the basis of less reliable test scores.

There are clear and indentifiable patterns of abilities and disabilities among children who are recommended for different special education classifications. Children recommended for placement in NIEH classses are the lowest functioning children academically, while children recommended for placement in CEH are the highest. Children classified as learning disabled and recommended for placement in HC30 classes have substantially lower IQ scores than those classified as learning disabled and recommended for resource room placement.

Children who are deemed ineligible for special education differ in test performance from those who are found eligible. There is at most a 4% overlap between the average test scores of children found ineligible for special education and those recommended for special education.

Although there are clear differences in the performance level of children who are recommended for the special education classifications of concern in this report, the majority of data on which these decisions are based is obtainable prior to the COH evaluation. Classroom teachers' reasons for referral and scores on the city-wide reading and math tests provide sufficient information to classify the majority of children correctly. The individual intelligence test is the only test administered by the COH that appears to improve the success rate of the classification, with success defined as agreement with the COH decision.

In those districts that are operating under the new regulations, 90% of the children classified as NIEH (9 of 10) were placed in a MIS II service category. It could not be determined from the records, however, whether these children were being recommended for placement in the same classrooms as those who were classified as CEH, a group functioning at a much higher level.

There is a modest, yet statistically significant, relationship between children's test scores and the number of annual goals that are formulated for them by the COH. Children whose tested scores indicate lower levels of functioning receive more annual goals.

The vast majority of children who are classified as learning disabled have neither a 50% discrepancy between ability and achievement, nor a high intratest scatter, two defining features of learning disabilities.

There are very susbtantial differences among districts with respect to: (a) the ability level of children who are referred to COH; (b) the educational tests that are administered to them, and; (c) the performance level of children that warrants recommendation for a particular special education classification. Similarities in testing tend to occur within a district but not across districts.

There is a substantial discrepancy between the verbal and performance IQ scores of Hispanic children, regardless of the language in which they are administered the intelligence test. Children who are administered the test in English score considerably higher than children who require a Spanish language test administration. The performance level of the Hispanic children who are able to take the test in English equals that of white children. The difference between Hispanics and white children is attributable almost totally to differences in verbal facility. This suggests that many Hispanic children may be referred to COH for deficits that result from language delay rather than suspected learning disability.

Mandated counselling is recommended for 41% of the children found eligible for placement in special education. Children referred for behavior problems are recommended for counselling in a substantial majority of instances.

APPENDIX C

Proposed Amendment to the New York State Statute and Regulation regarding the Assessment process

The statutory definition of assessments performed on children referred for special education currently may be read to require a full battery of educational and psychological tests on all children regardless of the reason given for referral. State regulations (200.4) also require a physical examination for every child who is assessed.

Although such tests and examinations are necessary for some children, it is unnecessary and unwise to require them in all cases because they are enormously time-consuming and expensive; given the 30-day timeline, they distract from the ability to focus on the particular needs and conditions of students; they are traumatic to children; and as a practical matter, they predispose clinicians toward finding a child to be in need of special education and to include unnecessary goals on a child's I.E.P.

Statutory Change

Amend section 4402 (3) (a) to read as follows:

(a) Review and evaluate all relevant information, including but not limited to that presented by the parent, guardian and teacher, pertinent to each handicapped child, including if necessary the results of physical examinations and psychological examinations performed by qualified private and school district physicians and psychologists and other suitable evaluations and examinations as may be appropriate for each child to ascertain if the child has a handicapping condition, the physical, mental, emotional and cultural-educational factors which may contribute to the handicapping condition, and all other school data which bear on the child's progress.

Regulatory Changes

Amend Part 200.4 (b)(1) to read as follows:

"(b) Individual evaluation.

(1) Unless otherwise agreed pursuant to paragraph (7) of subdivision (a) of this section, an individual evaluation of the referred pupil shall be initiated by a committee on the handicapped. An evaluation is defined as a systematic process of review, examination and interpretation of intervention results, interviews, observations, tests results, and other information. The product of the evaluation is a professional interpretation of the student's performance within various settings, those factors affecting performance, the nature and extent of the impairment or exceptional ability, and the need for special education and related services. Evaluation is not synonymous with testing. When tests are used, projective tests and norm based tests shall not be used in the first instance to demonstrate a handicapping condition, but are to be used to corroborate the existance of such condition or conditions.

(a) Generally prior to conducting any diagnostic assessments, a committee on the handicapped shall conduct a classroom based pupil appraisal in conjunction with the pupil's teacher. This appraisal shall include the following: sensory screening, a review of the pupil's educational, social and medical history, including attendance, an interview with the pupil, a family interview, an interview with the teacher, and observation and study of the pupil's academic and/or social behaviors.

(b) Diagnostic assessment includes those procedures to determine whether a pupil is in need of special education. It includes, but is not limited to: classroom observation, educational, developmental, and adaptive behavior assessment, psychological, psychiatric, social, and medical evaluations, interviews with parents and teachers, and speech and language evaluations. No single procedure may be used as the sole criterion for determining an appropriate program. Tests and other evaluation procedures shall be tailored to assess specific areas of educational need, and recommended specifically and validated for the purpose for which they are used.

(c) Depending on the handicapping condition, different evaluations and examinations shall be performed.

(i) For all pupils suspected of a handicapping condition, the type and degree of diagnostic assessment to be conducted is to be determined by the committee on the handicapped on a case by case basis.

(ii) For pupils suspected of being speech impaired, an evaluation shall be conducted by a licensed speech pathologist or language specialist. No other psychological or medical evaluation is required unless special reasons justify its use."

ENDORSEMENTS OF BOARD OF EDUCATION, NEW YORK CITY AND NEW YORK STATE FISCAL RECOMMENDATIONS

1. The Commission endorses the New York City proposal for a State aid formula that is expenditure-based rather than the present aid formula that funds only three categories of special education services.

The current State funding formula funds special education programs according to three pre-determined categories. Each category has a "weighting" which reflects the intensity of service being provided and the amount of reimbursement given to the City. The provision of related services for two periods a week has a weighting of .13; partial instruction in a special education class (usually a resource room) for 20% of the week with or without related services, has a weighting of .9; and placement in a self-contained class for 60% or more of the day has a weighting of 1.7 with no additional funding for related services. There is no funding of support services in regular education, transitional services for those children moving to a less restrictive environment or re-entering a regular class, and there is no reimbursement for the substantial cost above the 1.7 weighting of educating a child in a special school, at home or in a hospital.

The instructional cost of a special education student in an HC-30 class is $3,691, the instructional cost of a student in a Tract IV program for the severely and profoundly retarded is $7,548 and the instructional cost of a student in a program for autistic children is $11,656. All of these programs are funded with the 1.7 weighting, regardless of actual costs.

Not only does the current formula fail to meet the actual cost of educating many children, but it limits the placement options of mild and moderately handicapped students. A formula based on actual costs would allow greater flexibility in designing educational programs for students with handicapping conditions.

II. As discussed in Chapter I of the Report, the Commission proposes an increase in the amount of support services in regular education in the early grades to improve a student's potential for academic as well as personal growth. In order to provide these services, the Commission endorses three recommendations:

The first recommendation, proposed by the Board of Education, is to lower class size in the second grade to twenty-five students per class.

The second recommendation, proposed by the City, is for the State to "provide an additional .25 weighting for pupils in grades 1-3 in districts whose PSEN eligible population is greater than or equal to 20% of its total population." The cost of this initiative is $63.3 million based on an expenditure ceiling of $3,250.

The third recommendation, proposed by the State, is to provide the equivalent of one period per week of support services, such as speech therapy and counseling, for non-handicapped students who need such services. The cost of the initiative is $24.11 million.

III. The total 1984 budget for Committees on the Handicapped/School Based Support Teams was $79.5 million, none of which was reimbursed by the State. (An individual assessment or triennial reevaluation, not including administrative expenses, costs approximately $824.) The Commission endorses the New York City proposal that the State assume "at least a portion" of the costs of the State-mandated assessments and triennials and the development of IEP's performed by School Based Support Teams and Committees on the Handicapped.

IV. The Board of Education, as well as the City of New York and the State Education Department, are proposing, in different forms, that "transitional services" be provided to special education students being moved to less restrictive environments. The Commission endorses these proposals both with respect to funding for students moving to a less restrictive placement and those decertified into regular education.

FISCAL IMPLICATIONS OF THE COMMISSION'S RECOMMENDATIONS NOT PROPOSED BY THE BOARD OF EDUCATION, CITY OR STATE OF NEW YORK

We have attempted, with the assistance of the Office of Management and Budget and the Board of Education, to estimate the cost of implementing the principal recommendations in this Report. While we are without expertise in budget matters, we believe our estimates are educated and reasonable. Nevertheless, we leave the determination of the exact costs of our recommendations to others at OMB and the Board who are more familiar with budgetary matters.

I. Implications for the Board of Education and the City

Chapter One Recommendations

1. The Commission has recommended increased remedial reading programs in the early grades, which can be addressed through lowering class size or hiring additional remedial reading teachers to work in regular education classes. The Board and City are considering proposals to lower class size in the second grade and further lower class size in the first grade.

   While funds will be needed to provide support services in regular education, cost savings will accrue to the City and State by eliminating the need for initial assessments, annual reviews, triennial re-evaluations and instructional, administrative and supervision costs for those students who are not labeled handicapped due to increased services in the early grades.

2. The Commission has recommended that the Chancellor implement, on a pilot basis, Teacher Assistance Teams in elementary schools. The cost of implementation includes release time for three regular education teachers for one and a half periods per week in three districts, and training for these teachers. The projected cost of the pilot project is $192,000, based on the cost of training of T.A.T.'s that has occurred in other school districts, and the cost of release time for teachers in New York City.

3. The Commission has recommended that the composition of School Based Support Teams be changed to:

- provide one educational evaluator in each school;
- retain the current number of psychologists; and
- no longer include a social worker on each team.

The full year cost of providing one educational evaluator in each school with 20 or more special education students is $9.3 million.

4. Psychologists and educational evaluators will need to be trained in the use of classroom oriented assessments. These are non-school based personnel and there is therefore no need to provide funds for coverage. However, there will be a cost, which has not been determined, for trainers and training materials.

5. The Commission has recommended that the Division hire approximately eight more clinical supervisors to provide adequate supervision for SBST members. The approximate cost of this recommendation is $338,000.

Chapter Two Recommendations

1. The Commission has recommended that the Division establish a committee of special educators to determine program and curricular standards. This committee should also determine the composition and objectives of a new Office of Research and Analysis in the Division. The cost of this effort is $117,000 based on 4 consultants, 2 days per week for 30 weeks, plus 3 staff people for 30 weeks.

2. Staff training for educational evaluators and classroom special education teachers should include the development and use of Individualized Education Plans in addition to training on how to conduct annual reviews and complete IEP's which was provided to special education teachers this year. The training will include some additional cost which has not been determined at this time.

3. The Board should develop a budget for services to be provided by community agencies. Whenever possible, the Board should attempt to divert funds from existing budget lines.

Chapter Three Recommendations

1. The Commission has made numerous recommendations that should enable more special education children to be decertified into regular education. While the exact number of children capable of decertification and the cost savings of decertification are difficult to project, savings will be incurred by decreasing the need for annual reviews and triennial evaluations and instructional, administrative and supervision costs. The City's P.E.G. estimate for decertification is $1.5 million.

2. The Commission has recommended that the Board increase mainstreaming by providing support services in regular education and training programs for regular education teachers, as well as a plan for reducing class size in particular classes. The approximate cost of implementing this initiative in 8 districts is $1 million.

3. The State Education regulations should be changed to increase the size of resource rooms from five to seven students per period with a total teacher student ratio of 1:28. The savings to the City from this initiative will, based on the projected resource room register for November, 1985 of 37,321 students, be $19.8 million.

4. The Commission has recommended that state law and regulations be amended to permit appropriate reimbursement for high school and junior high school resource room instruction. Prior to this school year, the State defined minimum special education instruction (provided in New York City in resource rooms) as one hour per day. Because high school and junior high school academic periods are 45-47 minutes (in conformance with State law), the Board of Education historically received reimbursement for this level of service according to the excess aid formula for related services (.13) and not for resource rooms (.9).

   This year the state minimum for this placement was lowered from one hour per day to three hours per week. However, the aid formula was not changed and continues to fund the City only at the 1.3 weighting until the student is in a special education class for not less than 5 1/2 hours per week at the secondary level.

As of June, 1984, 12,943 high school students (excluding long-term absentees) were receiving resource room services. The savings to the City which will accrue from this amendment is approximately $13.5 million annually.

5. The Commission has recommended that the State permit the Board to increase enrollment of special education students in self-contained classes to enable classes to contain the allowable class size of ten to twelve students on a consistent basis.

On not one site visit did the Commission find self-contained classes with ten or twelve students as the current State regulations mandate. While some absenteeism is understandable, class registers were often far below legally permitted class sizes. The vast number of special education classes that contain only five or six students costs the Board millions of dollars. In addition, the Board is forced to hire more untrained teachers to cover the extra classes necessitated by low enrollment in individual classrooms.

The Board should assign personnel in the Schools to address absenteeism problems. At the same time, the Board should be allowed by the State to discount the number of students who fail to appear in class (termed "Long Term Absentees") in planning classroom enrollment.

If the State permits the Board of Education to ensure registers at 80-85% of the maximum allowable enrollment by not counting students who are absent from class and assuming average attendance rates in determining registers, the Board will save approximately $4.9 million annually.

Chapter Four Recommendations

1. No exact figures on the cost of changing the administrative structure of special education have been calculated, but the Commission believes, based on discussion with staff of the Division and CMB, the additional cost should be minimal.

2. The Commission has recommended that the Division expand the Parent Advocacy and Training Unit and at the same time create a new office within the Unit specifically for parents of children with severe handicapping conditions. The cost of these recommendations will be approximately $250,000.

II. Fiscal Implications for New York State

Chapter Two Recommendations

1. The Commission has recommended that the State should offer scholarships to minority and bilingual college students to increase the number of minority and bilingual teachers.

Chapter Three Recommendations

1. The State Education Department should fund a pilot program to place mildly and moderately handicapped children into regular education classes on a full-time basis with supplemental services provided in that setting. The projected cost of this pilot program is $572,000.